

IN THE MATTER OF THE
THE APPLICATION OF
KMK PARTNERSHIP
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE LIBERTY
ROAD, 166' EAST OF SEDGEMOOR
ROAD (LOT 2, SUBDIVISION OF
SUN-MAR COMPANY PROPERTY)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-220-XA

* * * * *

OPINION

KMK Partnership seeks a special exception to allow the use of its real property located on the north side of Liberty Road, 166 feet east of Sedgemoor Road in the Second Election District, Second Councilmanic District of Baltimore County, for an outdoor motor vehicle sales area with additional uses of an existing building as a sales office and a new building to be erected on the subject property as a repair garage. In connection with these proposed uses, the Petitioner seeks a rear yard building setback of 7 feet in lieu of the required 30 feet and a vehicle display setback from the front building setback line of 24 feet in lieu of the maximum permitted 15 feet, as more particularly shown on Petitioner's Exhibits No. 3 and 4.

Kenneth M. Katz, General Partner, appeared and testified on behalf of the Petitioner which was represented by David Meadows, Esquire. Petitioner also presented the testimony of George E. Gavrelis, an expert in land planning and the Baltimore County Zoning Regulations (BCZR), employed by the firm of Daft, McCune & Walker.

George W. Murphy, former president of the Liberty Road

Case No. 92-220-XA KMK Partnership

2

Community Council, filed the appeal, appeared and testified in opposition to the petitions, and was questioned on direct examination by Peter M. Zimmerman, Deputy People's Counsel. also appearing and testifying as protestants in the matter were Judith Berger, of the Lochearn Improvement Association and the Liberty Road Community Council, and Ella White Campbell, formerly an officer of the Liberty Road Community Council.

The Board received exhibits including numerous photographs of the site. From that testimony and exhibits, we find the facts to be as follows.

The subject site, identified as Lot 2 of the Subdivision of the Sun-Mar Company property, consists of an area of approximately .71 acre zoned B.R.-C.S.A., is improved with a vacant one-story building, and has over the last 10 years been utilized as a gasoline sales facility. Petitioner purchased the property in January 1990 and discovered, pursuant to the development of the site under a contract with Midas Muffler, that the property contained environmental problems not of Petitioner's making but resulting from prior uses of the property. The matter of the environmental problems was not disclosed by the evidence nor was there provided any substantial evidence of any threat to the health, safety and general welfare of the community involved. In connection with the contract with Midas Muffler, Petitioner was granted a variance which Petitioner has abandoned in the event that the Board grants the relief it seeks in this case. The proposed use involves renovating the existing building, constructing an

Case No. 92-220-XA KMK Partnership

3

addition onto that building, and using the facility as a used automobile sales and service business. The site has been vacant for the past 8 years, and photographs reveal that it has been somewhat overgrown with weeds and has received trash deposited by the community in general.

The B.R.-C.S.A. (Commercial Support Area) zoning has been developed over the years specifically for automobile sales and service type uses, and permits such uses as a special exception in this locale. In order to establish such a special exception, Petitioner must meet the requirements of Section 502.1 of the BCZR. The evidence offered by Petitioner, principally through its expert witness, Mr. Gavrelis, convinces this Board, and we find as a fact, that the proposed use does not create a potential hazard from fire, panic or other dangers, does not tend to overcrowd land and cause undue concentration of population, does not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements, and is consistent with the impermeable surface and vegetative retention provisions of the zoning regulations.

Protestants' evidence sought to prove that this proposed use would create congestion in the roads, streets and alleys, and would interfere with adequate light and air, would be detrimental to the health, safety or general welfare of the locale involved, and would be inconsistent with the purposes of the property's zoning classification, or in other ways inconsistent with the spirit and intent of the zoning regulations.

Case No. 92-220-XA KMK Partnership

4

While the Board is aware that Liberty Road produces much traffic which invariably results in congestion and traffic collisions, the testimony does not persuade this Board that these conditions will be worsened by the traffic to be generated by this particular use at the location proposed, having taken into consideration the fact that the Petitioner proposes to eliminate one of the two entrances onto Liberty Road and utilize the one that remains that is further down from the crest of the hill on Liberty Road.

With regard to the general welfare of the locality involved, and the consistency with the purposes of the property's zoning classification and the spirit and intent of the zoning regulations, the Board heard much evidence concerning a long-term and hard-fought battle by the Liberty Road community to prevent unfavorable and undesirable uses of various properties along Liberty Road. We recognize their efforts in this regard, and received into evidence the 1990 Liberty Road Revitalization Area Action Plan Update and the Woodlawn/Liberty Community Plan which were adopted by the Planning Board on July 18, 1991, but which have not been approved and adopted by the Baltimore County Council. These documents evidence the intent of the community and the Planning Board as to the direction which the government, in connection with the community associations, hopes that development in these areas will take. However, since they have not been adopted by the County Council, they do not constitute binding legal authority which governs the approval or denial of special exceptions under the

Case No. 92-220-XA KMK Partnership

5

zoning regulations. Under the current BCZR which apply to the subject property, and under the circumstances existing in the neighborhood and community as shown by the evidence in this case, we find as a fact that this proposed use as a used car sales and service facility is not detrimental to the health, safety or general welfare of the locality involved and is not inconsistent with the property's zoning classification nor is it in any other way inconsistent with the spirit and intent of the zoning regulations, particularly in light of the fact that this property is zoned B.R.-C.S.A., has been used as a gasoline station in the past, and is in a commercial strip of zoning along Liberty Road where one can find, within a short distance of the proposed site, other automotive service businesses, including gas stations, auto parts stores, and muffler sales. Finally, it appears from the topography of the ground that the crest of the hill serves as a natural divide between the residential uses as found in the apartment complexes on either side of Liberty Road and the various and mixed commercial uses that begin once one leaves the crest of the hill and travels in a northwesterly direction toward the Beltway.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973) To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

Case No. 92-220-XA KMK Partnership

6

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

We find as a fact that strict compliance with the rear yard setback would considerably prevent the use of the property for a permitted purpose and render conformance unnecessarily burdensome in view of the fact that there exists on the site a building suitable for use as the office for the proposed business, and that, when considering the plan as drawn, to have the front of the proposed garage addition out of alignment with the existing building would affect traffic flow on the property. We find as a fact that no lesser relaxation than that applied for would give substantial relief and that the variance as requested can be granted so as to maintain the spirit of the BCZR. With regard to the vehicle display setback from the front building setback line, the evidence persuades this Board that strict compliance with that requirement would unreasonably prevent the use of the property for the permitted use of a used car sales lot in that it would require the parking of the vehicles too close to the existing or proposed building so as to prevent the traffic flow on-site, and would unnecessarily and unduly restrict the number of vehicles that could

Case No. 92-220-XA KMK Partnership

7

be parked at the site. The evidence convinces us and we find as a fact that the variance as requested would give substantial relief and as the witness, Mr. Gavrelis, pointed out, if the relief was granted in the fashion applied for, the parking of these vehicles would be very similar to the parking requirement found for other commercial parking lots, namely that the vehicles may not be located any closer than 10 feet from the public highway, which in this case is Liberty Road. Accordingly, we find that the tests contained in McLean v. Soley, *supra* have been met.

We find from the evidence, testimony and exhibits and the proposed uses that certain restrictions should be imposed upon the grant of this special exception so as to insure that its use in the manner proposed does not cause detriment to the health, safety or general welfare. One restriction the Board believes necessary so as to insure that the principal use of this site is as a used car sales facility causes us to require that the Petitioner service on-site only those vehicles which the Petitioner or the owner/operator of this sales facility will offer for sale. For the reasons stated above, and based on the restrictions contained below, we believe that the relief requested in the special exception and variances should be granted.

ORDER

IT IS THEREFORE this 11th day of September, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to establish a used motor vehicle outdoor sales area in combination with sales office and repair garage on the subject property in accordance with

Case No. 92-220-XA KMK Partnership

8

Petitioner's Exhibits No. 3 and No. 4 be and is hereby GRANTED subject to the restrictions listed below; and it is further

ORDERED that the Petition for Zoning Variance to permit a rear yard building setback of 7 feet in lieu of the required 30 feet and to permit a vehicle display setback from the front building setback line of 24 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibits No. 3 and No. 4 be and is hereby GRANTED, subject, however, to the restrictions listed below.

1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original conditions.
2. Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Office for inclusion in the case file prior to the issuance of any permits.
3. The hours of operation of the repair garage shall be restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday only. The Petitioner shall be permitted to repair only those vehicles that are stored on the property for sale by the owner/operator of the used car sales facility. In addition, there shall be no body and fender work performed on the premises whatsoever.
4. The used motor vehicle outdoor sales business shall be permitted to operate 7 days a week; however, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
5. There shall be no storage of damaged or disabled vehicles on the property whatsoever. All vehicles stored on the property must be in operable condition. Petitioner shall not store any vehicles on the property which are older than 7 years.
6. Petitioner shall not display any flags, banners or streamers on any poles, light standards, buildings or other fixtures on the property.
7. Petitioner shall be limited to the display of 30 automobiles only, and not the 45 requested in the

Prot. Ex. 2

LIBERTY ROAD COMMUNITY DEVELOPMENT ASSOCIATION

RESOLVED: That at the FEBRUARY meeting of the
LIBERTY ROAD COMMUNITY DEVELOPMENT ASSOCIATION held on 19 FEBRUARY
1993 it was decided by the Association that responsibility for review
and action on all zoning matters for the period 1993-1993
be placed in the (Board of Directors) (Zoning Committee) consisting of
the following members:
Lila W. Campbell PATRICIA BOYD
Judith Berger HOWARD GREEN
GEORGE W. MURPHY

AS WITNESS OUR HANDS AND SEAL THIS 19th day of FEBRUARY,
1993.
ATTEST: SECRETARY
Julian Noonan
President

Prot. Ex. 3

LRCC EXECUTIVE BOARD MEETING
Wednesday, February 19, 1992

The Executive Board Meeting of the Liberty Road
Community Council of February 19, 1992 was called to order
at 7:41 PM by President George Murphy. Board members
present were: Helen Aiken, Joe Anderson, Joseph Berger,
Judith Berger, Ethel Carter, Theresa Carr, Saul Goldberg,
Julian Klaff, John McPhaul, Vivian Noonan, Bill Obrecht,
and Joan Parker. Absent were: Patricia Boyd, Ella White
Campbell, Harold Gordon, and Harry Gruel.

President's Report by President Murphy included a
pledge of openness to the Board and general membership.
He assisted Ms. Darlene Tuck of Liberty Crossing Apartments
by introducing her to proper Baltimore County personnel who
would help her reduce the crime and neglect in her community.
President Murphy agreed to contact Jim Kraft of the Baltimore
County Board of Education regarding the redistricting of
Lochearn's elementary school children. President Murphy
was supportive of the idea of magnet schools for academic
excellence. He will contact the new Superintendent of
Baltimore County Public Schools, Stuart David Berger,
to discuss the transfer of Lochearn children and the creation
of magnet schools in our community. President Murphy will
contact People's Counsel of Baltimore County for assistance
in appealing the Deputy Zoning Commissioner, Timothy M. Kotroco's
decision regarding Case No. 92-220-XA (Petitions for Special
Exception and Zoning Variance for property located at 6922
Liberty Road, the old Scot gas station). A filing fee of
\$150.00 is needed. We will appeal to surrounding communities
for assistance in paying this fee.

A motion was made by Vivian Noonan, and seconded, that
Ella White Campbell, our Past President, will write a grant
request to support LRCC proactive community activities.
Motion was passed unanimously.

Helen Aiken was concerned that LRCC is paying the insurance
premiums for the Liberty Assistance Center. President Murphy
said he will address this issue.

A short discussion of zoning issues included the Postal
Service's proposed use of the Ames site as a sorting facility
and the encroachment of commercial space into residential areas
along Liberty Road during the 1992 zoning cycle.

President Murphy provided the Executive Board with a
stump dump update. Residents of the Patapsco Valley area
are suing James Jett, the owner of the stump dump. President
Murphy also mentioned that Mr. Jett is applying for a Baltimore
County recycling permit.

Treasurer's Report was not available at this time, according
to LRCC's Treasurer, Mrs. Joan Parker.

WOODLAWN/LIBERTY COMMUNITY PLAN

APPENDIX B (cont.)

building style	development density	open space network
building design	street pattern	building type
parking arrangement	building material	street trees

Commercial Zones

Development within commercial zones must respect the road on
which they are built. There must be consistent facade treatment,
signage and streetscaping of all commercial properties along street.
All commercial properties that abut residential areas must provide a
landscape buffer between the residential and commercial uses.

The following is a partial list of new uses that will not be
permitted within the boundaries of the Woodlawn-Liberty Community
Plan:

used car dealer	liquor stores	bill boards
maintenance garage	service stations	adult entertainment

The community-oriented business of the following type will be
encouraged to locate with the Woodlawn-Liberty plan boundaries:

food store	floral shop	dry cleaners
barber shop	drug store	bakery
day care center		

Vacant Buildings

All vacant commercial buildings within the Woodlawn-Liberty plan
boundaries must be well maintained. The property owner will be
responsible for trash removal, grass cutting and the general
appearance of vacant properties. Property owners are responsible for
putting up window displays where large plate windows exist to reduce
the visual impact of a vacant building.

Access

All new development and redevelopment of commercial properties
shall have shared access or provide for alternate shared access.

Signage: The following standard shall apply to all signs within the
WLC district.

Free-Standing Sign:

- Signs less than 15 ft. from roadway within a planting strip
shall be no higher than 6 ft. and not greater than 40 sq.
ft. in area.

WOODLAWN/LIBERTY COMMUNITY PLAN
APPENDIX B (cont.)

Signs located 15-20 ft. from roadway may be 15 ft. in height
and not greater than 60 sq. ft. in area.

Signs located farther than 20 ft. from roadway should be no
higher than 15 ft. and not have an area greater than 60 sq.
ft.

No more than three (3) ground signs should be allowed for
each commercial complex, with no two (2) signs closer than
200 ft.

Signs

All store units in a single building or complex must present
a uniform design and placement of signs. Signs and cutout
letters should not project above roof or canopy lines.
Three (3) ft. of sign area is permitted for every 10 feet of
wall length. Letters should not exceed 18 in. in height.

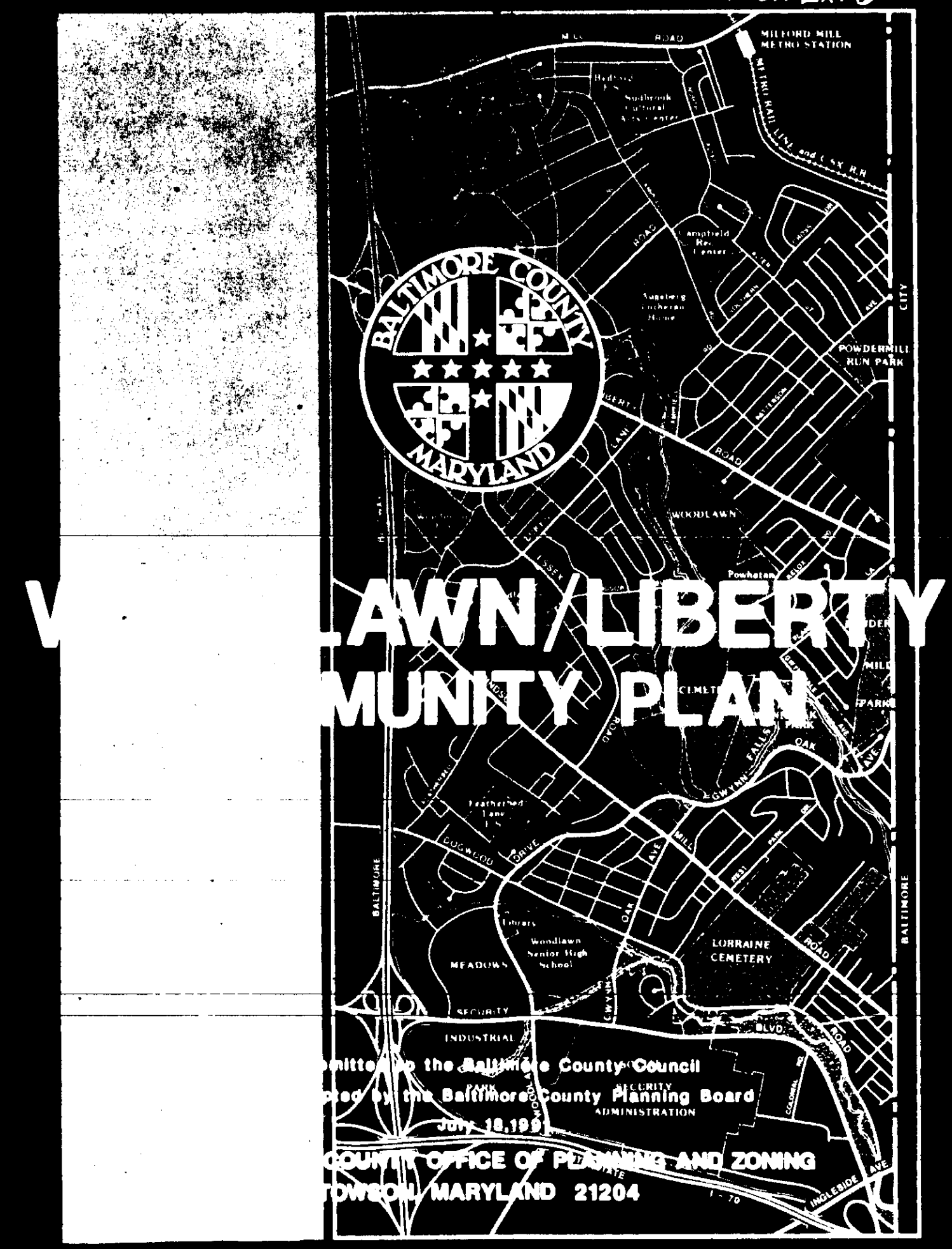
Directional Signs

Each commercial node may have directional signs with
specially designed logos at designated entrance points.

Streetscape

From the edge of curb line a 20 ft. streetscape should be
provided that includes a 6 ft. sidewalk to the street and a 14 ft.
landscape area. Streetscape should be in compliance with the
streetscape policy of Baltimore County.

Prot. Ex. 6



Prot. Ex. 7

Liberty Road Revitalization Area

Liberty

1990 Action Plan Update

A plan prepared by the Liberty Communities
Development Corporation, Inc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
20 May, 1991, 12:57-11, 2 pm, Rm. 118, Courthouse

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 2, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: KMK Partnership, Item No. 231-# 92-220-XA

Prot. Ex. 8

In reference to the Petitioner's request, staff offers the
following comments:

The Petitioner is requesting a special exception to allow
a used motor vehicle outdoor sales area in combination with a sales
office repair garage; a rear yard variance of 7 ft. in lieu of 30 ft.;
and a 24 ft. vehicle display setback from the front building setback
in lieu of 15 ft.

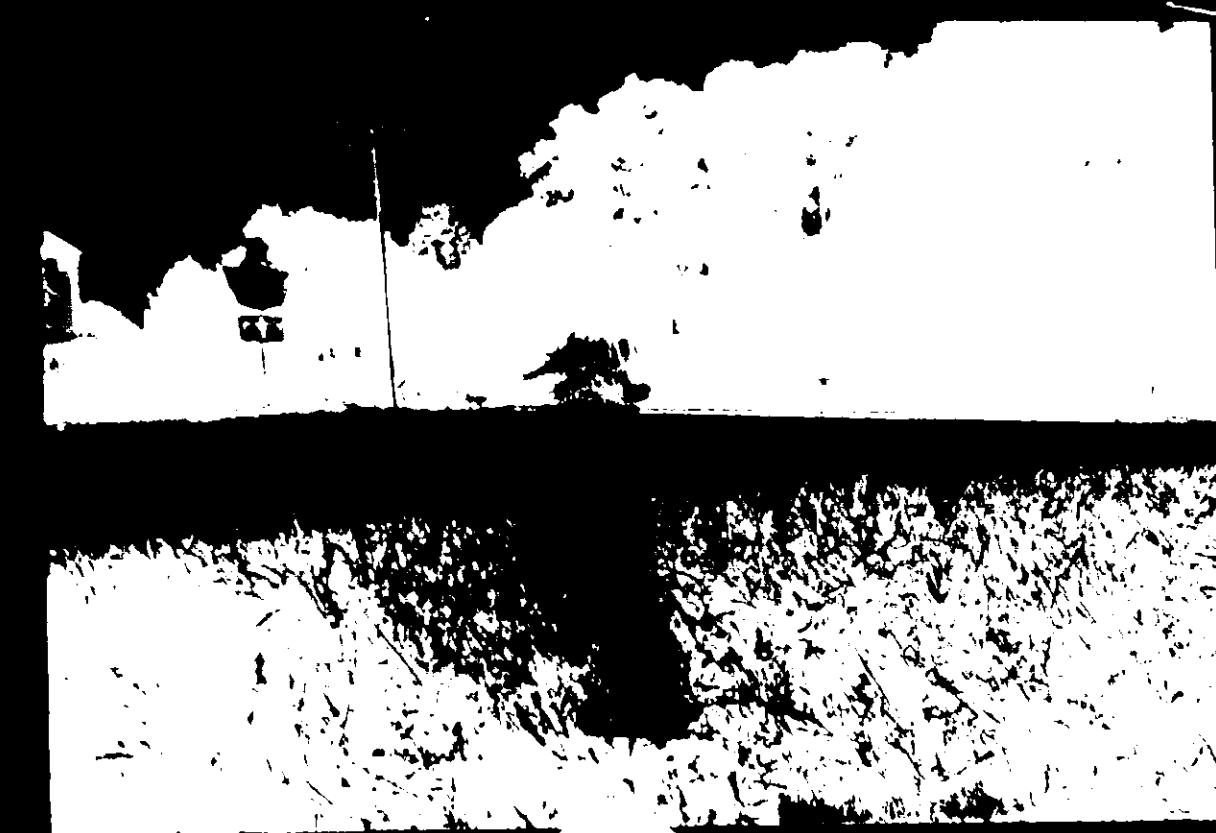
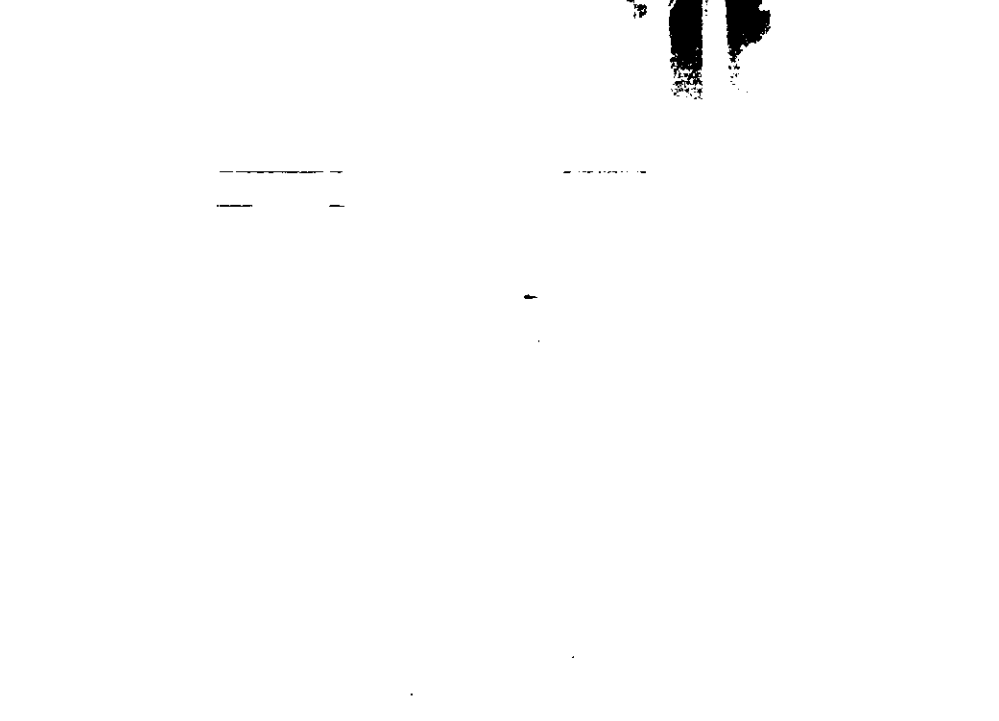
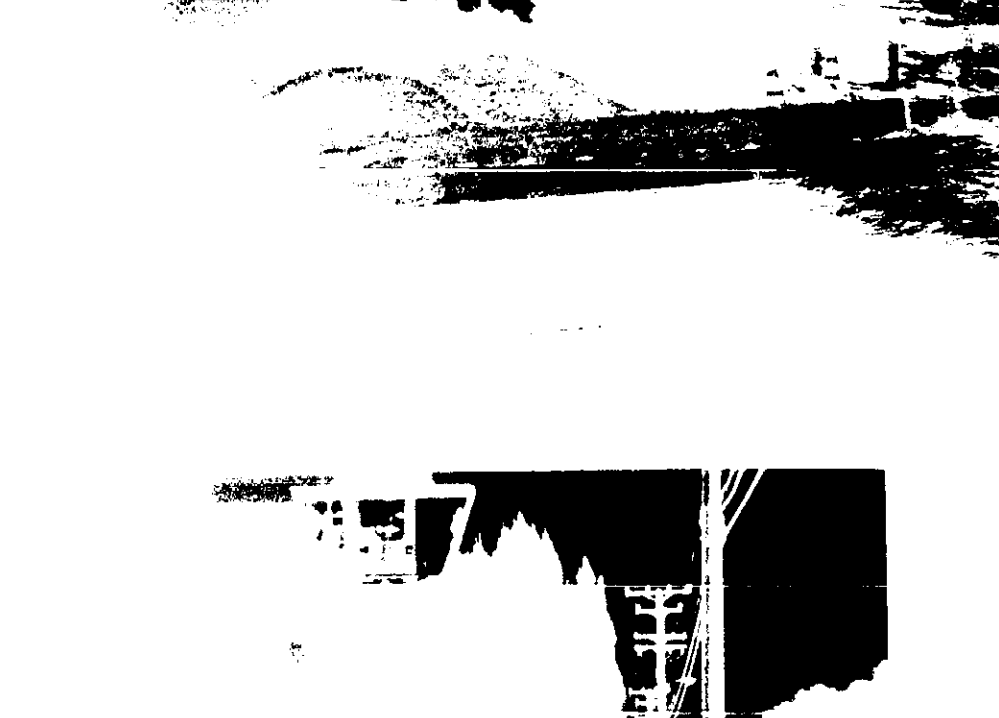
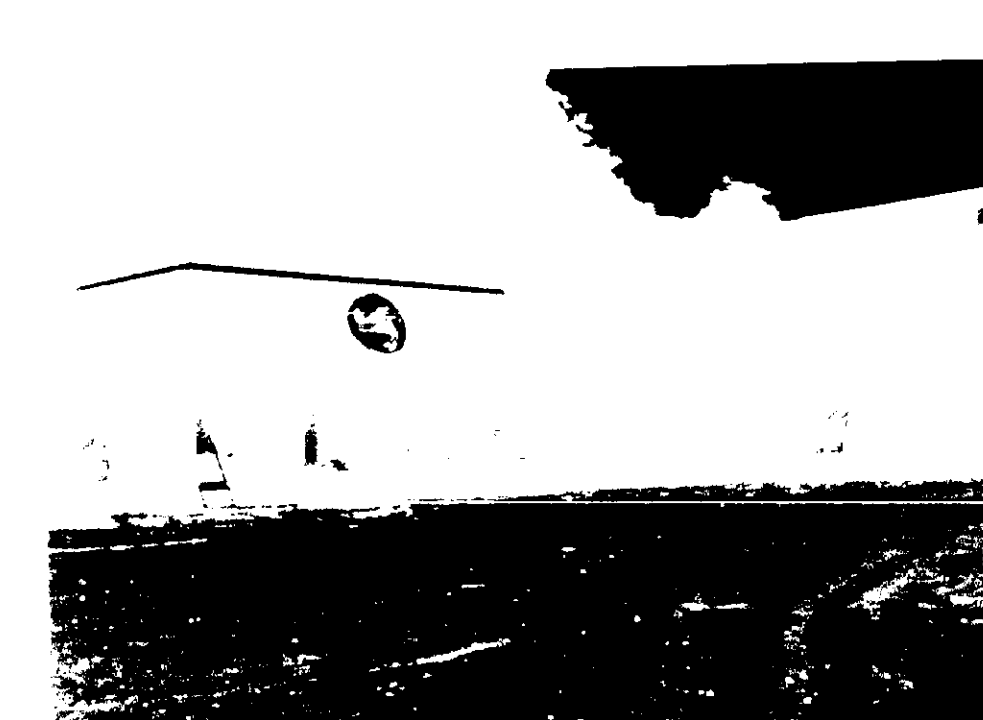
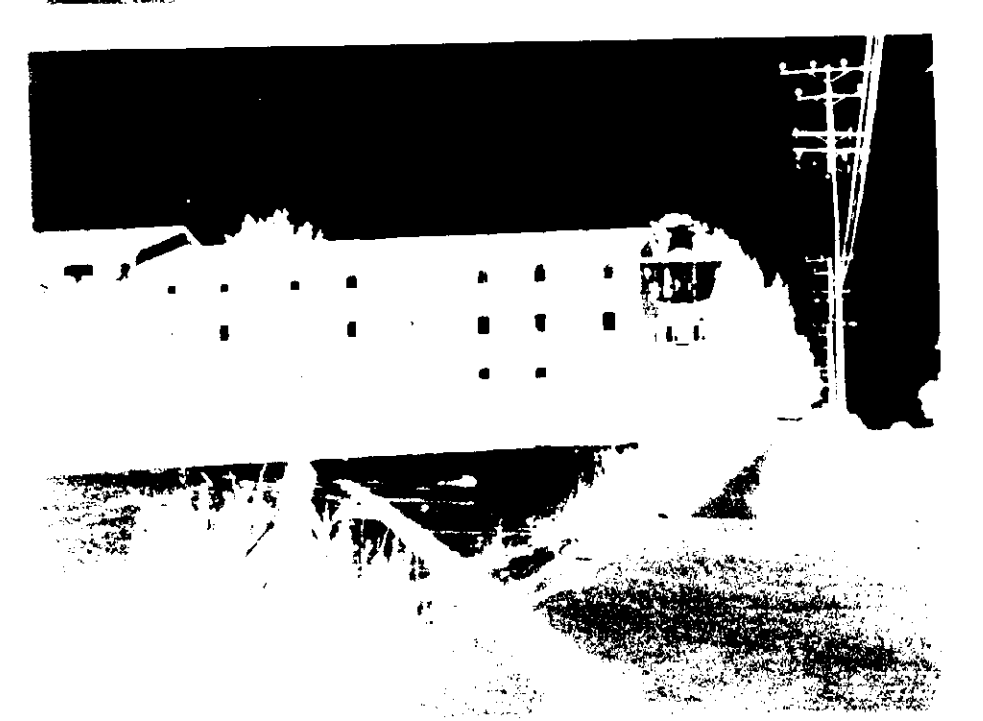
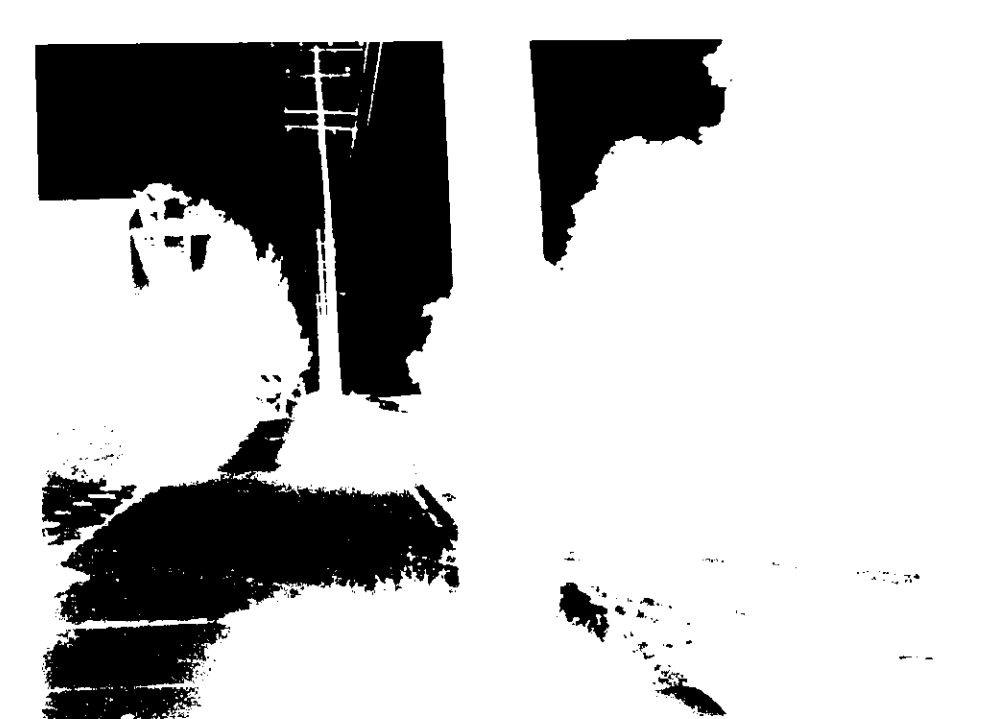
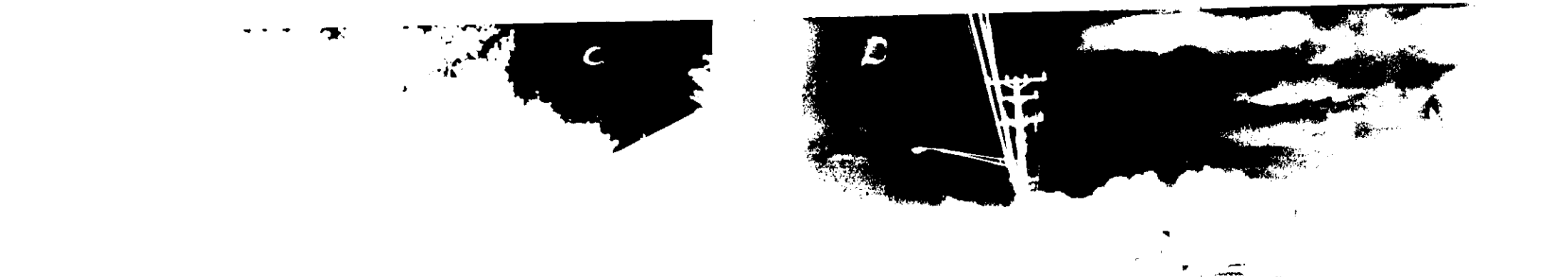
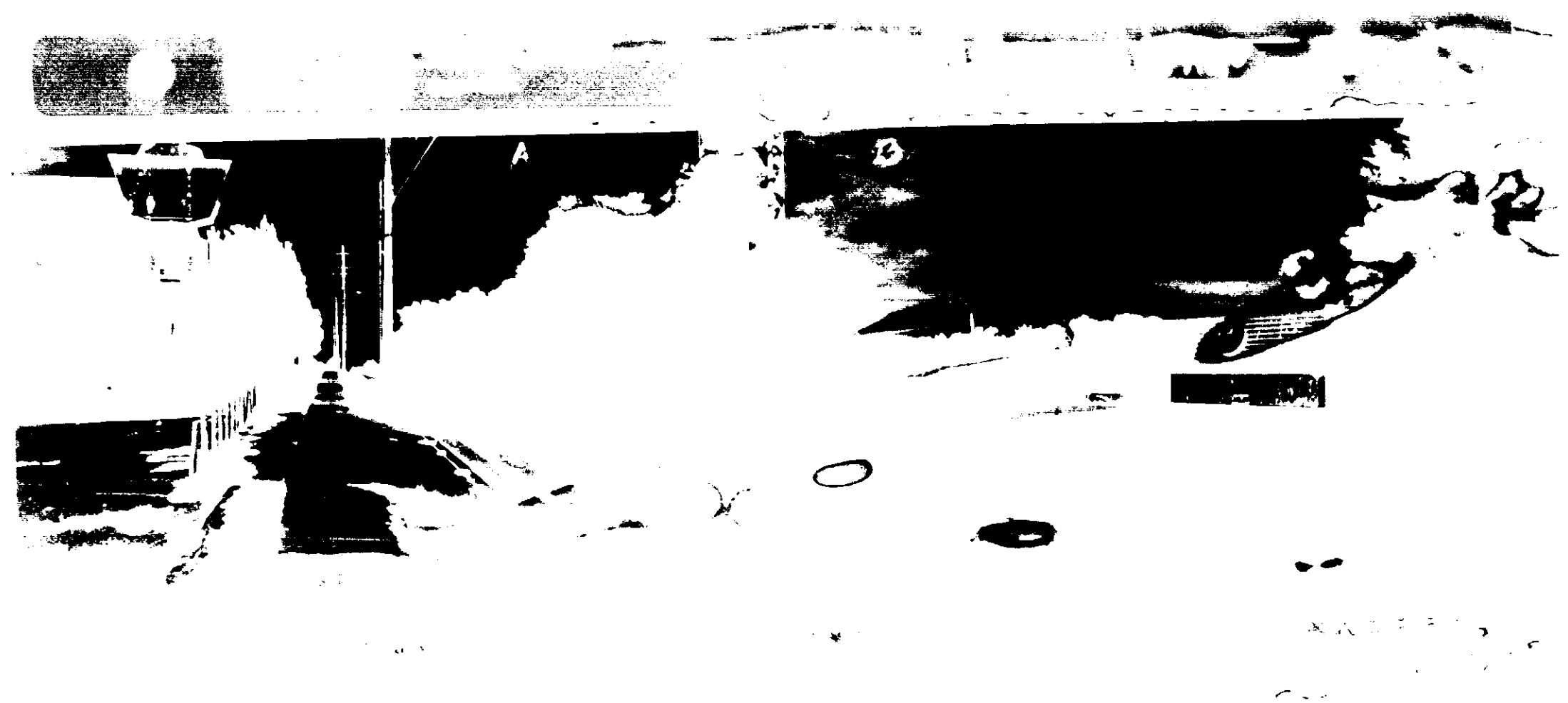
In reference to the subject request, staff provides the
following information:

- *The petitioner's property lies within a historically critical
planning area, as outlined by 1) 1979 Master Plan; 2) 1980
Liberty Action Plan; 3) 1989 Master Plan; 4) 1990 Liberty
Road Action Plan Update; and 5) Woodlawn/Liberty Community
Plan.
- *This site is located within the boundaries of the Woodlawn/
Liberty Community Plan. Action number 7 of the plan for
commercial areas (p.44) states that an overlay district
should be developed as outlined in Appendix B of the plan.
The suggested overlay district in the appendix that used car
dealership should not be allowed within the boundaries of the
Woodlawn/Liberty Community Plan (p.68).
- *The Woodlawn/Liberty Community Plan is the product of a two
year undertaking in which staff worked along with the community
to produce a plan. The Plan has received Planning Board
approval, and the County Council held a public hearing
regarding the Plan on November 26, 1991. A final action
anticipated to be taken on December 16, 1991.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

EK/JL:rdn
ITEM231/XYTROZ





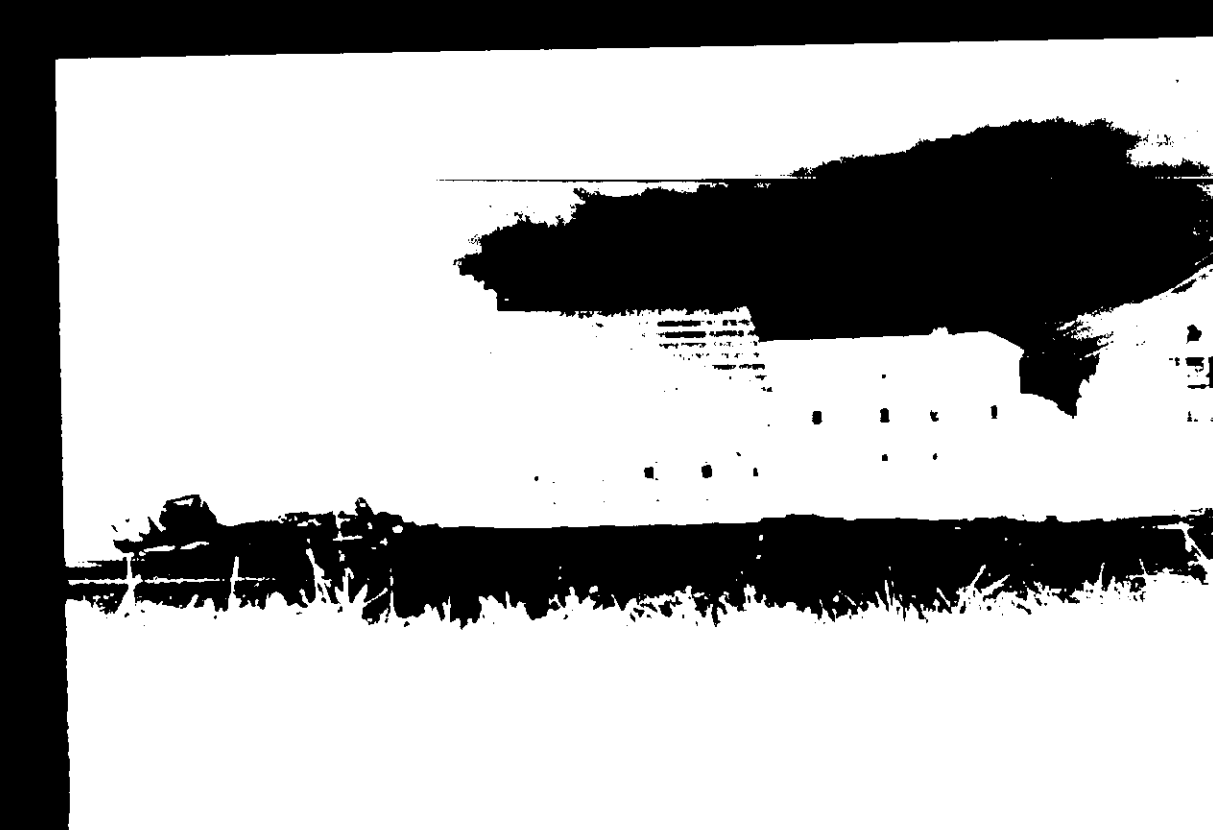
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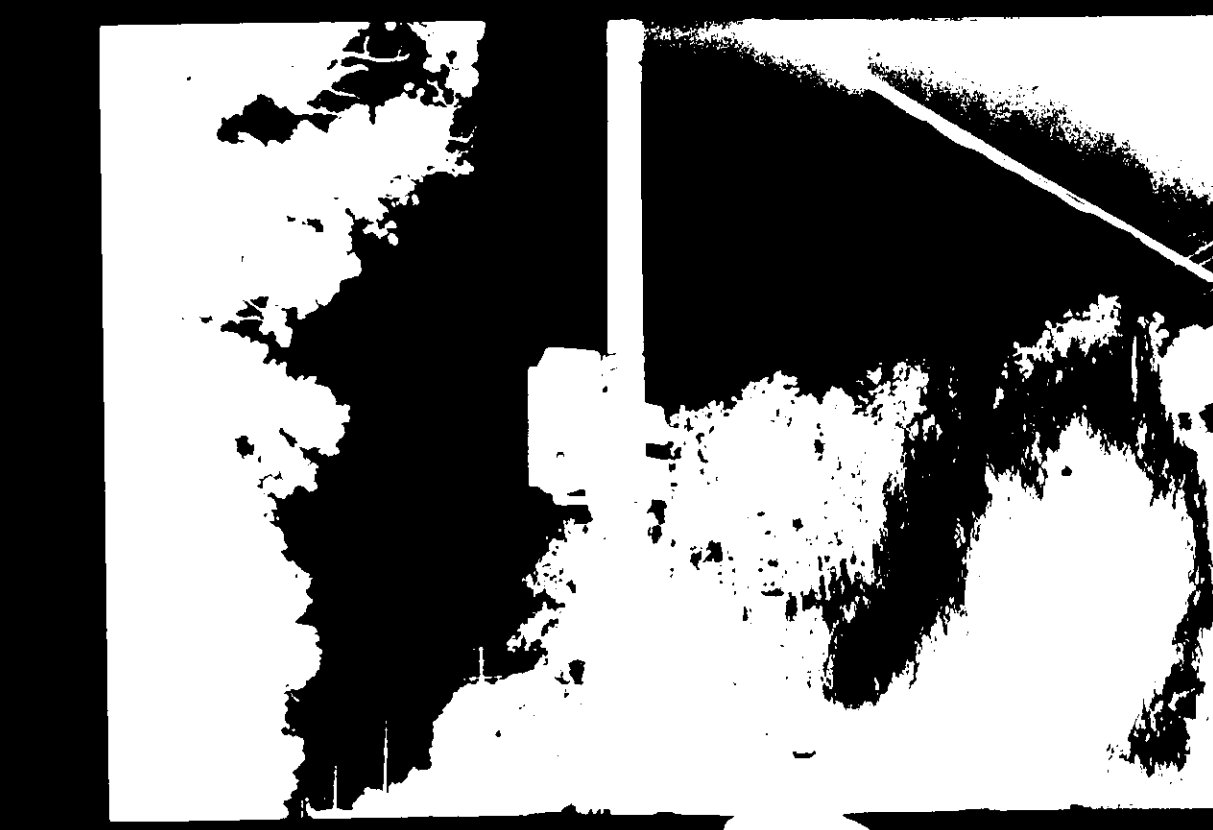
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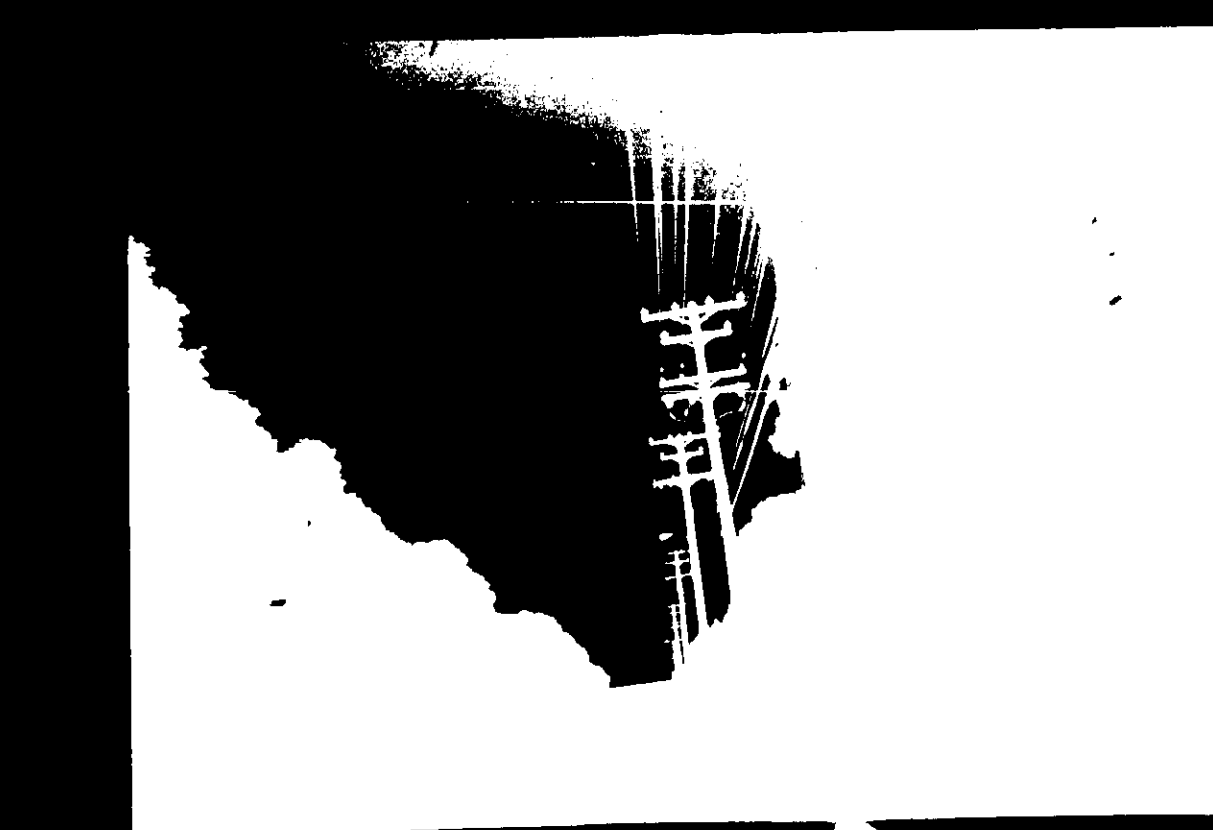
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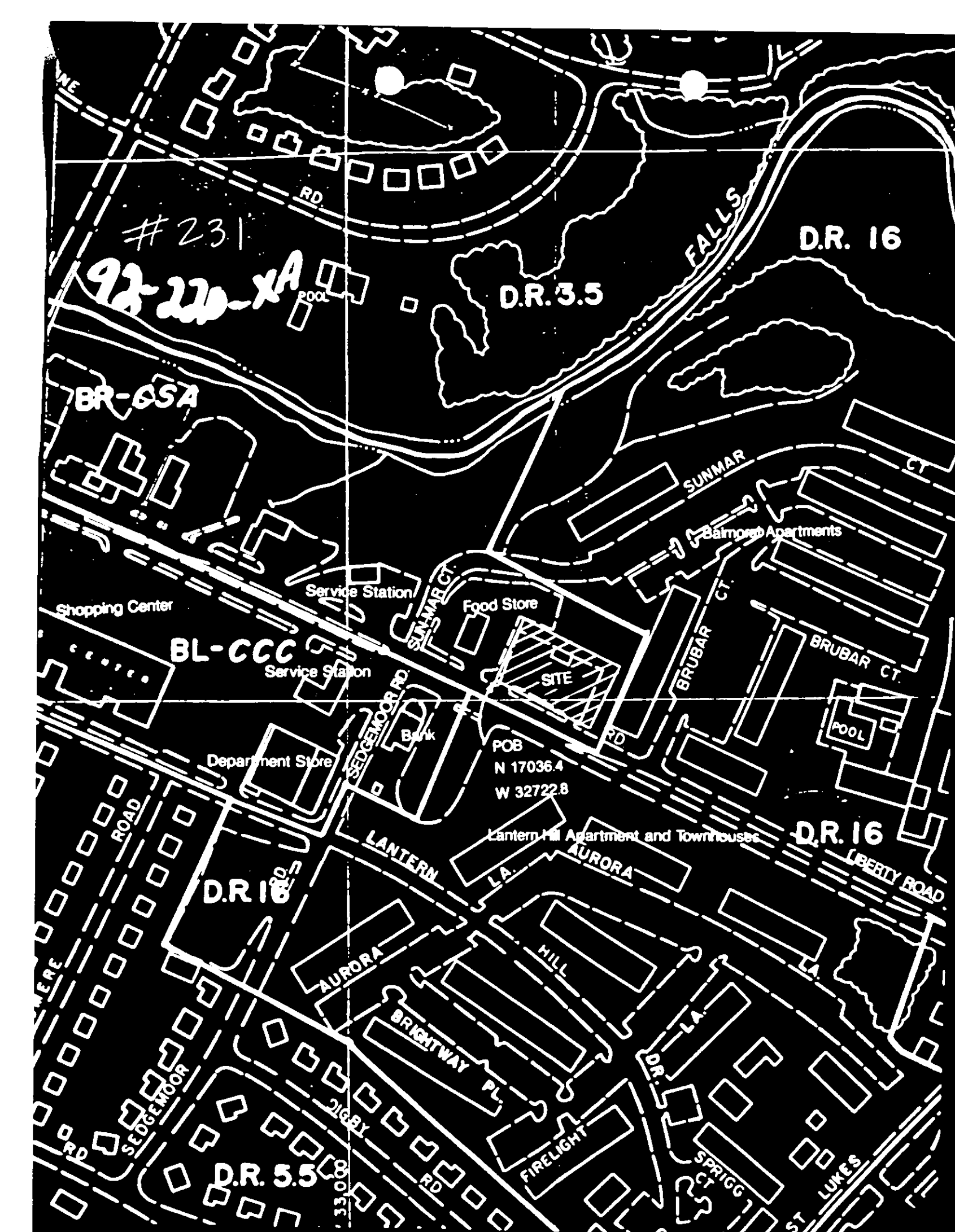
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GENERAL NOTES

- Owner/Applicant:
K.M.K. Partnership
c/o Mr. Kenneth M. Katz
3 Shawan Road
Cockeysville, MD 21030
- Councilmanic District 2
- Site Data
Site Address and Zoning:
Net = 0.57 Acres BR-CSA
Gross = 0.71 Acres BR-CSA
Density: FAR 0.06
Permitted = 2.0
Proposed = 1750 SF - 0.71 Ac. = 0.06
(One story Service Garage, Offices, and Used Car Sales)
Parking:
Required =
Existing:
770 SF Sales Office @ 5/1000 = 4 spaces
Proposed (Future):
980 SF Shop Area @ 3.3/1000 = 4 spaces
TOTAL REQUIRED = 8 spaces
Provided (Non-blocked spaces) =
Proposed:
11 spaces (including 1 handicap space) outside
2 service bays (Future)
TOTAL PROVIDED = 13 spaces
All parking spaces will be constructed of bituminous concrete paving, striped, and curbing provided.
Amenity Open Space: Not required in BR zones
Landscape Planting:
Required
165 LF Adj. Rd. @ 1/40 = 4 PU (2 MD)
125 LF Cl. A Screen @ 1/15 = 8 PU
130 LF Cl. B Screen @ 1/15 = 9 PU
TOTAL = 21 PU (2 MD)
LESS CREDIT (Ex. hedge) = 8 PU
TOTAL = 13 PU (2 MD)
Screen dumpster
Parking lot interior planting not required for lots with less than 15 parking spaces
Provided
5 MD @ 1/1 = 5 PU
38 shrubs @ 5/1 = 7.6 PU
500 SF groundcover @ 500/1 = 1 PU
TOTAL = 13.6 PU
- There are no known streams on the site.
- Zoning History:
Case No. 87-378-XA requested a petition for a Special Exception to use the property for the storage and sale of used automobiles, and a petition for zoning variances to permit a double-faced business sign of 192 SF in lieu of the permitted 100 SF and a rear yard setback of 17 feet in lieu of the required 30 feet. On March 23, 1987 the petitions were dismissed.
Case No. 91-69-A requested a variance to allow a rear yard building setback of 5 ft. in lieu of the required 30 ft. The order was granted November 1, 1990, subject, however, to the following restrictions:
1. The petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All outdoor site lighting shall be more than 12 feet above grade. All such exterior lighting shall be directed downward and shall not diffuse onto any residential property.
3. There shall be no outside storage of vehicles awaiting service during off-hours.
4. Hours of operation shall be limited to the hours of 7:00 A.M. to 9:00 P.M.
Per the letter of November 21, 1990, signed by Frank Fisher, Lot 2 is exempt from the development review and approval process.
A waiver of CRG meeting was granted September 28, 1990 (W-90-244).
- Current Ownership:
KMK Partnership
3 Shawan Road
Cockeysville 21030
Deed Reference: OTG 34/84
Property No.: 16-00-002397
- Property address: 6922 Liberty Road
- Signs shall comply with Section 413 B.C.Z.R.
- This site shall comply with Section 405A B.C.Z.R., "Storage of Damaged or Disabled Vehicles on Service-Garage Premises".
- Building height will not exceed the permitted 40 feet.

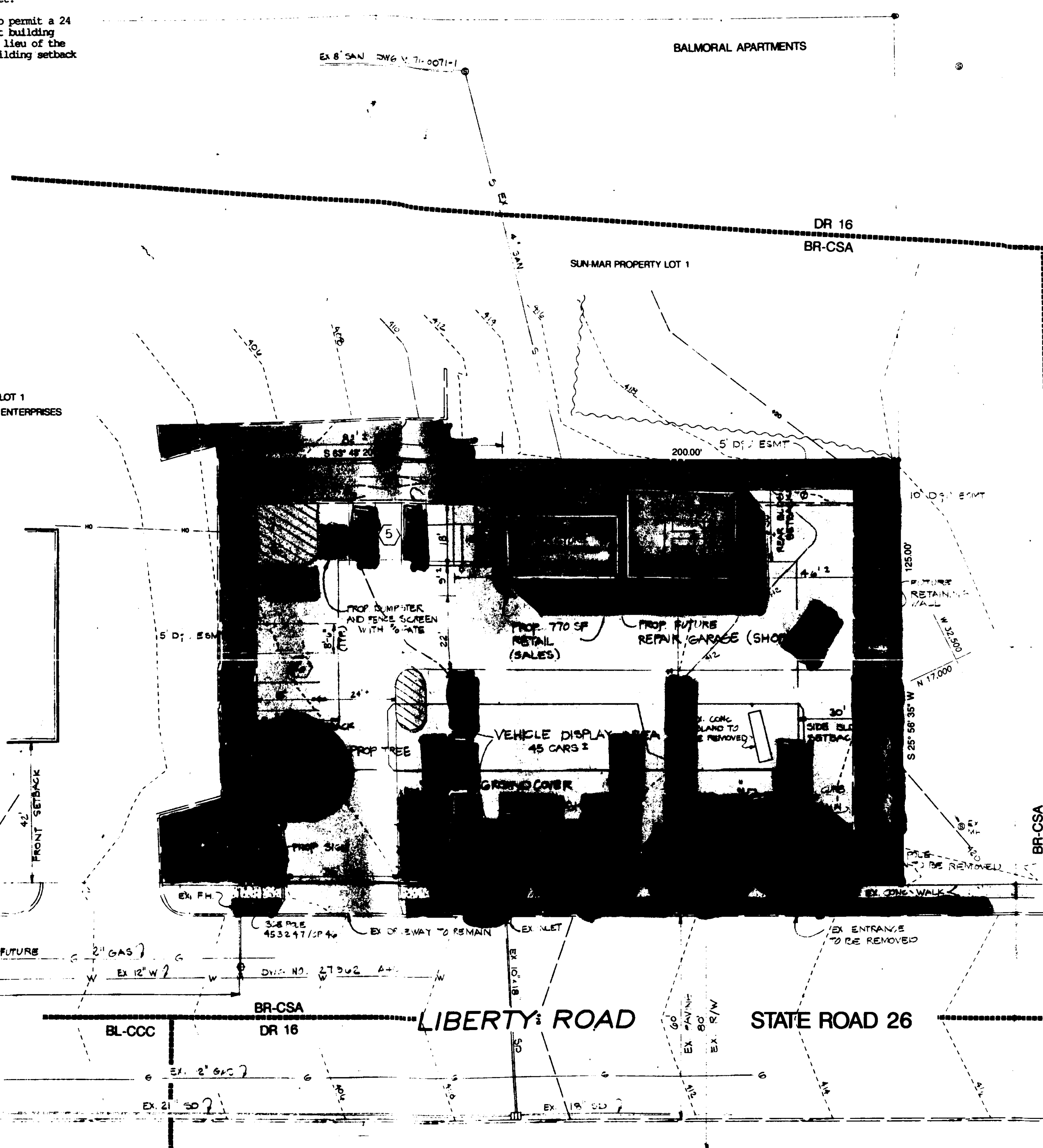
REQUESTS:

- A Special Exception to permit a used motor vehicle outdoor sales area.
- Abandonment of the variance granted in Case No. 91-69-A, November 1, 1990.
- A Variance from Section 238.2, B.C.Z.R., to permit a 7 foot rear setback in lieu of the required 30 feet.
- A Variance from Section 238.4, B.C.Z.R., to permit a 24 foot vehicle display setback from the front building setback line, established by averaging, in lieu of the required 15 foot setback from the front building setback line.

SUN MAR CT

SEDGEMOOR ROAD

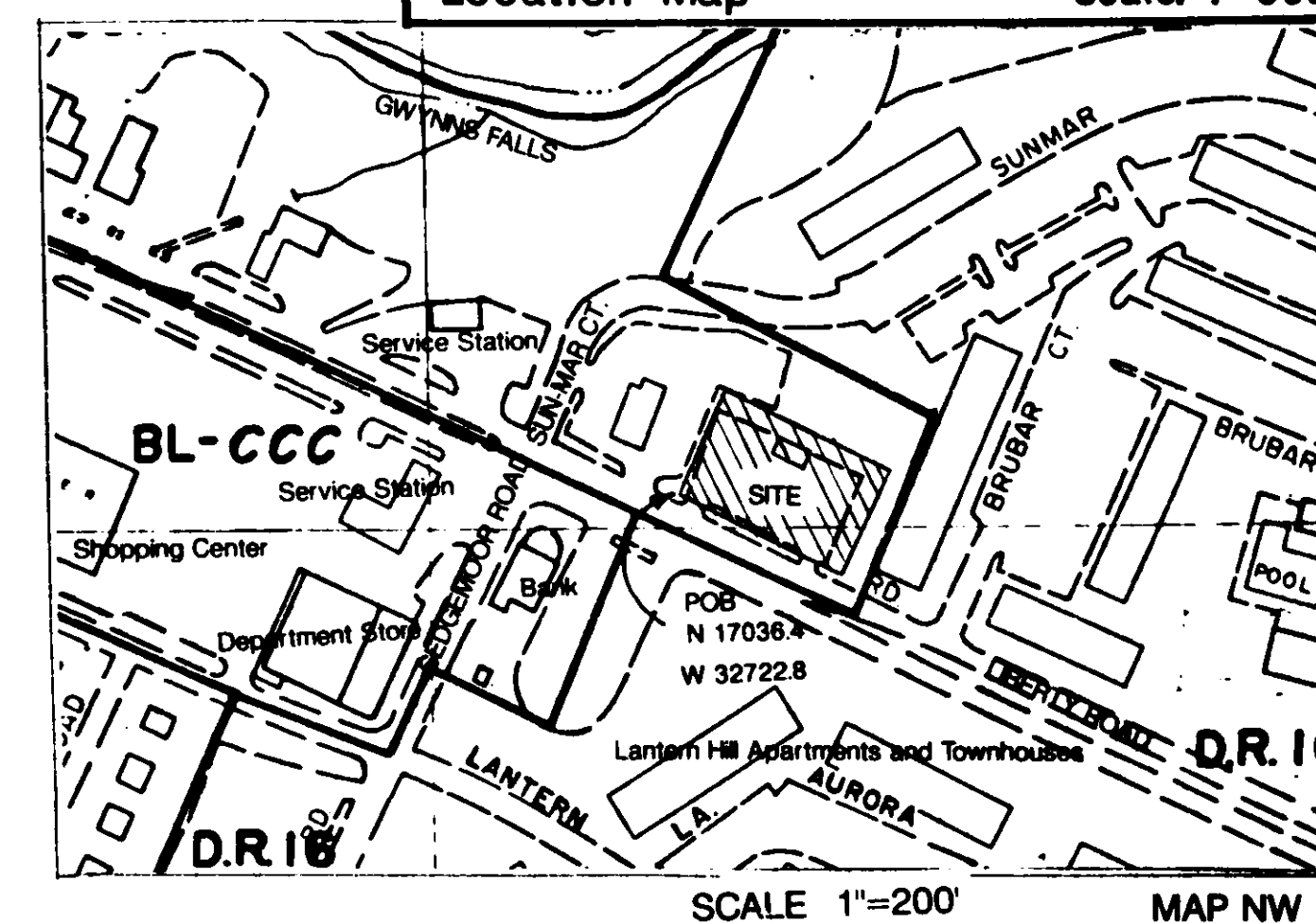
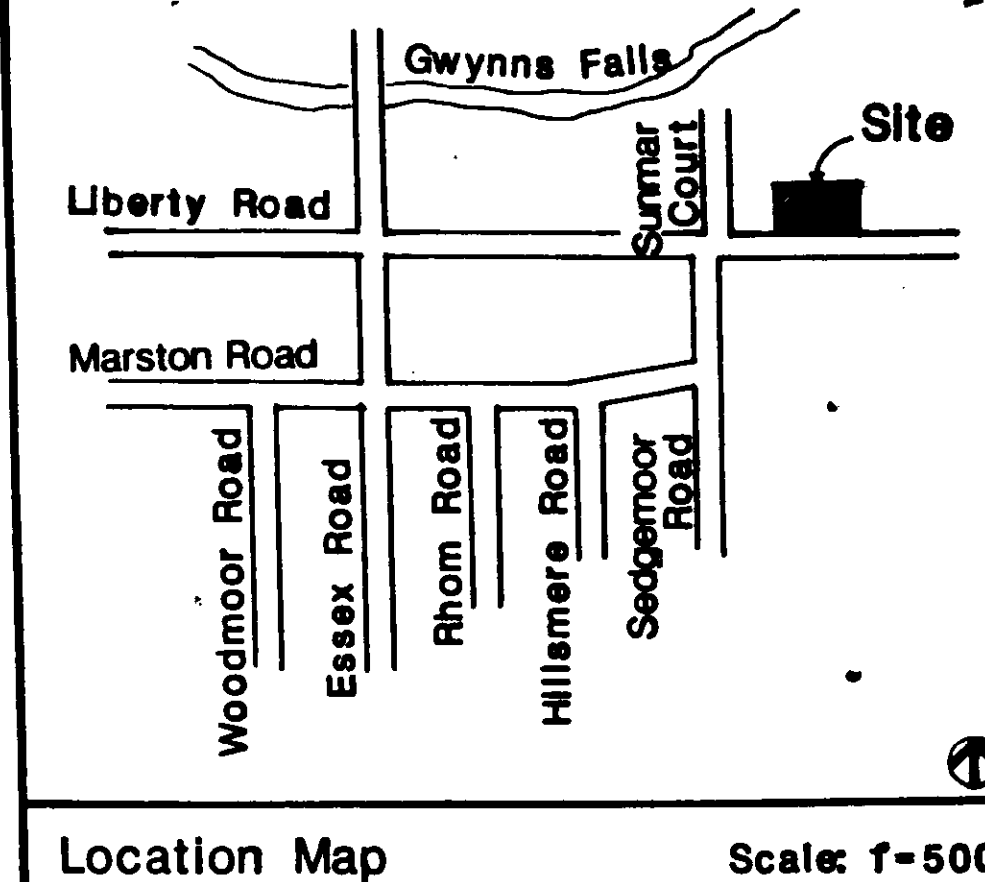
SUN-MAR PROPERTY LOT 1
MADROSSIAN FAMILY ENTERPRISES
FOOD STORE
OTG 34/84
6930 LIBERTY ROAD



- LEGEND
- LIGHT
 - ⊙ FIRE HYDRANT
 - ⊕ WATER VALVE
 - CLEANOUT
 - ⊕ SIGN
 - ⊕ WATER METER
 - EX. 40' SETBACK
 - EX. 30' SETBACK
 - EX. 15' SETBACK
 - EX. 10' SETBACK
 - EX. 5' SETBACK
 - EX. 0' SETBACK
 - EX. 10' SETBACK
 - EX. 15' SETBACK
 - EX. 30' SETBACK
 - EX. 40' SETBACK

PETITIONER'S
EXHIBIT 2

BOUNDARY SURVEY PREPARED BY BEN DYER ASSOC. INC. 05-02-90



WESTMOUNT ASSOC.
BALMORAL APARTMENT
A4280

BRUBAR CT

PROPOSED AREA OF
DISTURBANCE
400 SF ±

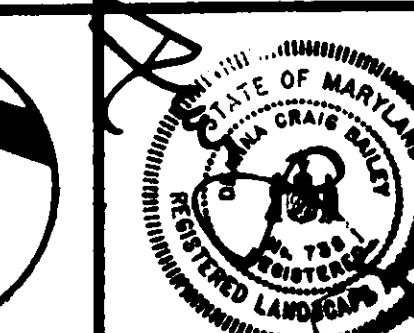
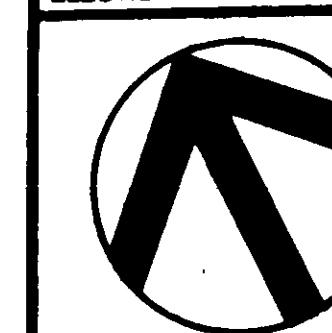


DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
300 E. PENNSYLVANIA AVE.
TOWSON, MD 21204
TELEPHONE: (301) 286-3553

PLAN TO ACCOMPANY
SPECIAL EXCEPTION AND VARIANCE
FOR

LIBERTY MOTORS
LANDSCAPE PLAN

ELECTION DISTRICT 2



SCALE:
1" = 20'
JOB ORDER NO.
89150C
ISSUE DATE
11-06-91

DATE	REVISIONS

2 OF 2

Petitioner's
Appellant Ex. 3

GENERAL NOTES

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c/o Mr. Kenneth M. Katz
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Site Address and Zoning:
Net = 0.57 Acres BR-CSA
Gross = 0.71 Acres BR-CSA
Density: FAR 0.06
Permitted = 2.0
Proposed = 1750 SF = 0.71 Ac. = 0.06
(One story Service Garage, Offices, and Used Car Sales)
Parking:
Required =
Existing:
770 SF Sales Office @ 5/1000 = 4 spaces
Proposed (Future):
980 SF Shop Area @ 3.3/1000 = 4 spaces
TOTAL REQUIRED = 8 spaces
Provided (Non-blocked spaces) =
Proposed:
11 spaces (including 1 handicap space) outside
2 service bays (Future)
TOTAL PROVIDED = 13 spaces
All parking spaces will be constructed of bituminous concrete paving, striped, and curbing provided.
Amenity Open Space: Not required in BR zones
Landscape Planting:
Required:
165 LF Adj. Rd. @ 1/40 = 4 PU (2 MD)
125 LF Cl. A Screen @ 1/15 = 8 PU
130 LF Cl. B Screen @ 1/15 = 9 PU
TOTAL = 21 PU (2 MD)
LESS CREDIT (Ex. hedge) = 8 PU
TOTAL = 13 PU (2 MD)
Screen dumpster
Parking lot interior planting not required for lots with less than 15 parking spaces
Provided:
5 MD @ 1/1 = 5 PU
38 shrubs @ 5/1 = 7.6 PU
500 SF groundcover @ 500/1 = 1.4 PU
TOTAL = 13.6 PU

4. There are no known streams on the site.

5. Zoning History:

Case No. 87-378-XA requested a petition for a Special Exception to use the property for the storage and sale of used automobiles, and a petition for zoning variances to permit a double-faced business sign of 192 SF in lieu of the permitted 100 SF and a rear yard setback of 17 feet in lieu of the required 30 feet. On March 23, 1987 the petitions were dismissed.

Case No. 91-69-A requested a variance to allow a rear yard building setback of 5 ft. in lieu of the required 30 ft. The order was granted November 1, 1990, subject, however, to the following restrictions:

- The petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- All outdoor site lighting shall be more than 12 feet above grade. All such exterior lighting shall be directed downward and shall not diffuse onto any residential property.
- There shall be no outside storage of vehicles awaiting service during off-hours.
- Hours of operation shall be limited to the hours of 7:00 A.M. to 9:00 P.M.

Per the letter of November 21, 1990, signed by Frank Fisher, Lot 2 is exempt from the development review and approval process.

A waiver of CRG meeting was granted September 28, 1990 (W-90-244).

6. Current Ownership:

KMK Partnership
3 Shawan Road
Cockeysville 21030
Deed Reference: OTG 34/84
Property No.: 16-00-002397

7. Property address: 6922 Liberty Road

8. Signs shall comply with Section 413 B.C.Z.R.

9. This site shall comply with Section 405A B.C.Z.R., "Storage of Damaged or Disabled Vehicles on Service-Garage Premises".

10. Building height will not exceed the permitted 40 feet.

REQUESTS/ZONING CASE NO. 92-220-A

- A Special Exception to permit a used motor vehicle outdoor sales area.
- Abandonment of the variance granted in Case No. 91-69-A, November 1, 1990.
- A Variance from Section 238.2, B.C.Z.R., to permit a 7 foot rear setback in lieu of the required 30 feet.
- A Variance from Section 238.4, B.C.Z.R., to permit a 24 foot vehicle display setback from the front building setback line, established by averaging, in lieu of the required 15 foot setback from the front building setback line.

SUN-MAR PROPERTY LOT 1
MADROSSIAN FAMILY ENTERPRISES
FOOD STORE
OTG 34/84
6930 LIBERTY ROAD

SUN MAR CT

SEDGEMOOR ROAD

The petitioner agrees to and adopts the following restrictions imposed by the Deputy Zoning Commissioner in his order dated February 6, 1990, for Zoning Case No. 92-220-A.

- The petitioner may apply for their permits and be granted same upon receipt of this Order; however, petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioners shall be required to return, and be responsible for returning, said property to its original condition.
- Prior to the issuance of any permits, petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this office for inclusion in the case file prior to the issuance of any permits.
- The hours of operation of the repair garage shall be restricted to 8:00 a.m. to 9:00 p.m. Monday through Friday only. The Petitioner shall be required to repair only those vehicles that are stored on the property for sale. In addition, there shall be no body and fender work performed on the premises.
- The used motor vehicle outdoor sales business shall be permitted to operate seven days a week; however, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- There shall be no storage of damaged or disabled vehicles on the property whatsoever. All vehicles stored on the property must be in operable condition. Petitioner shall not store any vehicles on the property which are older than seven (7) years.

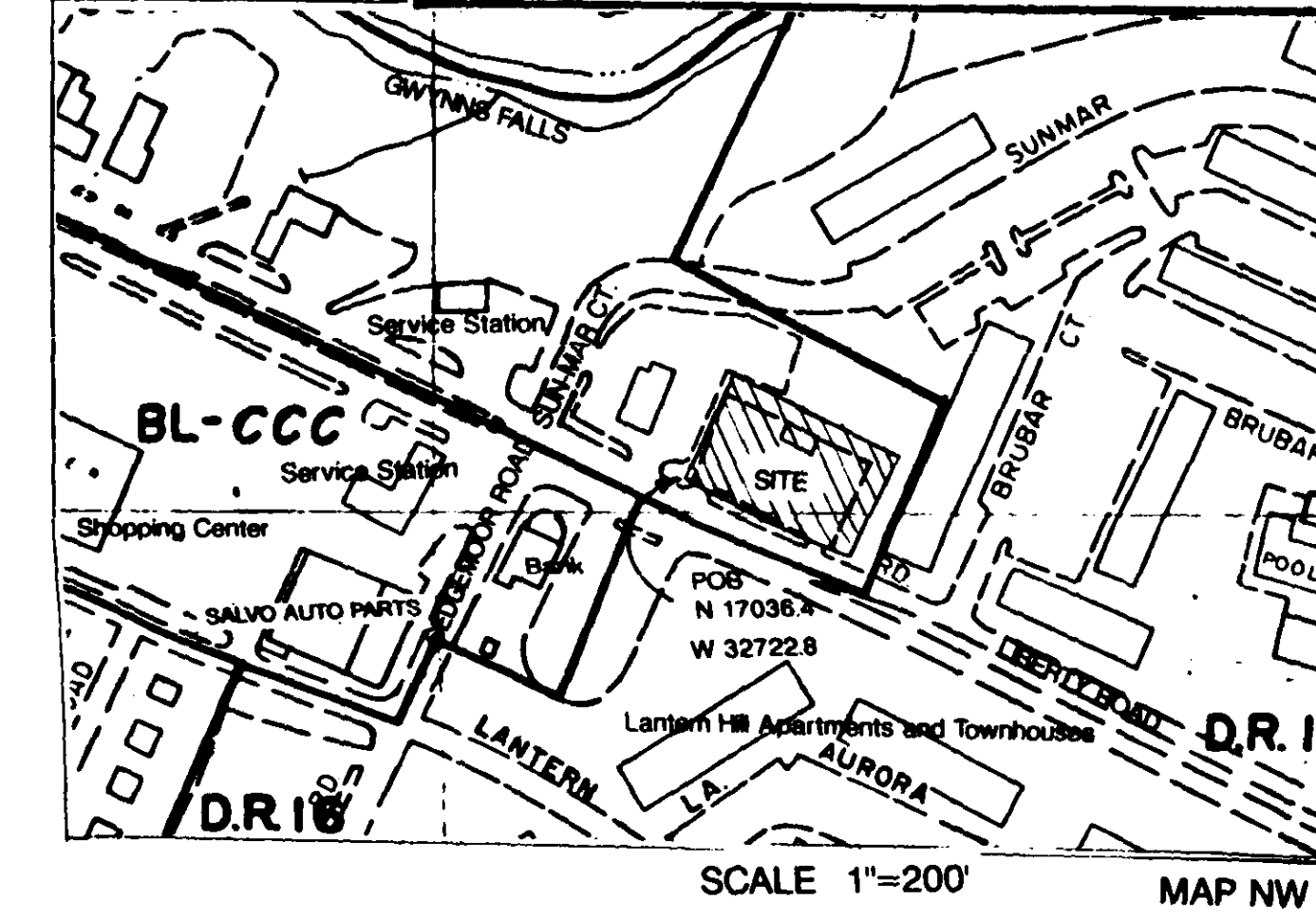
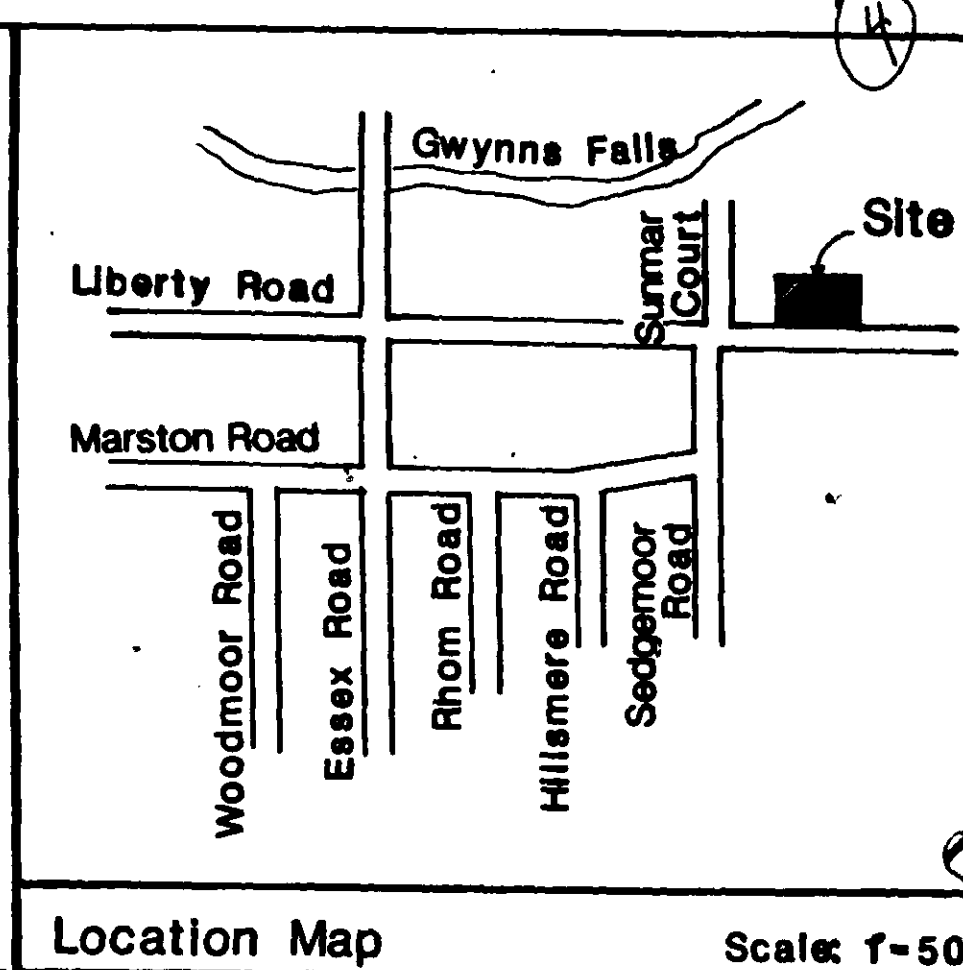
- Petitioner shall not display any flags, banners, or signs on any poles, light standards, buildings or other fixtures on the property.
- Petitioner shall be limited to the display of thirty (30) automobiles only and not the forty-five (45) permitted in the Petition. The display of the permitted 30 automobiles shall be located within the vehicle display area shown on petitioner's site plan. Petitioners shall submit a revised site plan incorporating the modified sales display herein prior to the issuance of any permits.
- All lighting on the premises shall be directed away from any adjoining residential properties so as to avoid glare from lighting over onto adjacent properties.
- Open request, and reasonable notice. Petitioners will permit a representative of the Zoning Enforcement Division use an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

- When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- Each restriction listed above is an integral part of the granting of this special exception and variance. They are to be read together as a whole and are not to be considered separately. In the event the Petitioner takes on appeal of any of these restrictions, it shall be deemed to be an appeal of this entire Order and this entire Order shall be based on appeal do now.

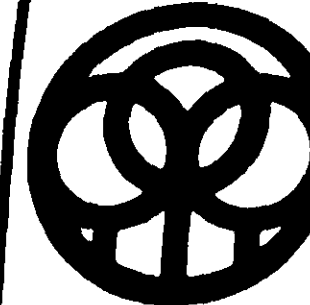
LEGEND

- LIGHT
- ⊙ SANITARY MANHOLE
- ⊕ FIRE HYDRANT
- ⊖ WATER VALVE
- CLEAVOUT
- ⊕ SIGN
- ⊖ WATER METER
- ⊕ EX HEDGE
- ⊕ EX BOLLARD
- ⊕ EX CURB
- ⊕ EX RETAINING WALL

BOUNDARY SURVEY PREPARED BY BEN DYER ASSOC. INC. 05-02-80



WESTMOUNT ASSOC.
BALMORAL APARTMENT
/4280

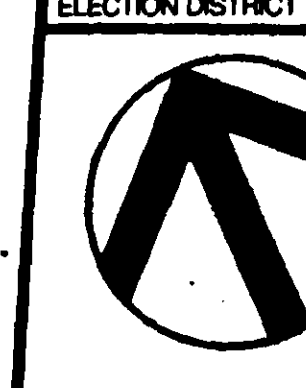


DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
300 E. PENNSYLVANIA AVE.
TOWSON, MD 21204
TELEPHONE: (301) 294-3333

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE FOR

LIBERTY MOTORS

ELECTION DISTRICT 2



SCALE:
1" = 20'
JOB ORDER NO.
89150C
ISSUE DATE
11-06-91

DATE	REVISIONS
8-21-92	ADOPTED RESTRICTION/DEVELOPMENT ZONING COMMISSIONER'S ORDER IN CASE 92-220-A

1 OF 2

Ex. 4

Petition. The display of the permitted 30 automobiles shall be located within the vehicle display area shown on Petitioner's site plan. Petitioners shall submit a revised site plan incorporating the modified relief granted herein prior to the issuance of any permits.

8. All lighting on the premises shall be directed away from any adjoining residential properties so as to avoid any glare from spilling over onto adjacent properties.

9. Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

10. When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

11. Each restriction listed above is an integral part of the granting of this special exception and variance. They are to be read together as a whole and are not to be considered separately. In the event the Petitioner takes an appeal of any of these restrictions, it shall be deemed to be an appeal of this entire Order.

Any appeal from this decision must be made in accordance with

Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

C. William Clark

S. Diane Levero

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - W/S of * DEPUTY ZONING COMMISSIONER
Liberty Road, 166' E of *
Sedgemoor Road *
(Lot 2, Subdivision of Sun-Mar *
Company Property) * OF BALTIMORE COUNTY
2nd Election District * Case No. 92-220-XA
2nd Councilmanic District *

KMK Partnership - Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to establish a used motor vehicle outdoor sales area in combination with sales office and repair garage on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances from Section 238.2 of the B.C.Z.R. to permit a rear yard building setback of 7 feet in lieu of the required 30 feet and from Section 238.4 of the B.C.Z.R. to permit a vehicle display setback from the front building setback line of 24 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibits 1 and 2.

The Petitioner, by Kenneth M. Katz, General Partner, appeared, testified and was represented by E. Scott Moore, Esquire. Also appearing on behalf of the Petitioner was George E. Gavrelis, Land Planning Consultant with Daft-McCune-Walker, Inc. Appearing and testifying as Protestants in the matter were Larry J. Smith, Judith Berger, Vice President of the Lochearn Improvement Association and the Liberty Road Community Council, and Ella White Campbell, President, Liberty Road Community Council, Inc.

Testimony indicated that the subject property, known as Lot 2 of the Subdivision of the Sun-Mar Company Property, consists of a gross area of 0.71 acres zoned B.R.-C.S.A. and is improved with a vacant one-story building. Petitioner has owned the subject property since January 1990.

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Date 3/16/92
By SSG

Said property was the subject matter of previous Case No. 87-378-XA in which a special exception and variance for the storage and sale of used automobiles was requested. The Petitions were subsequently dismissed by Order issued March 23, 1987. Thereafter, the property was under contract to Midas Realty Corporation who filed a Petition for Zoning Variance in Case No. 91-69-A in which a variance was granted for a proposed Midas Muffler Shop, subject to restrictions. The Petitioner wishes to abandon the variance granted in Case No. 91-69-A. Petitioner is now desirous of renovating the existing building and constructing an addition thereto and establishing a used automobile sales and service with offices on the property in accordance with that depicted on Petitioner's Exhibit 2. Testimony indicated Petitioner will own and operate the proposed used car sales business himself. Photographs of the property were submitted, marked Petitioner's Exhibits 1A through 1L, which clearly show that the property is currently in deplorable condition. Petitioner argued that the use proposed is consistent with the property's zoning classification and that the proposed improvements will enhance its overall appearance. Testimony further indicated that the subject property was previously used as a service station and has been vacant for the past eight years.

George Gavrelis appeared and testified on behalf of the Petitioner. Mr. Gavrelis testified that this particular zone was specifically established for automobile sales and service-type uses. He further testified that in his opinion, the use proposed satisfies the requirements of Section 502.1 of the B.C.Z.R. Mr. Gavrelis testified that Petitioners intend to eliminate one of two entrances onto Liberty Road and will only utilize the remaining one entrance. He further testified that in his

ORDER RECEIVED FOR FILING
Date 3/16/92
By SSG

- 2 -

opinion, to deny the relief requested would result in practical difficulty and unreasonable hardship to the Petitioners.

Upon cross-examination, Mr. Gavrelis was questioned concerning the Woodlawn/Liberty Community Plan and its effect on this particular site. Mr. Gavrelis agreed that the Woodlawn/Liberty Community Plan prohibits used motor vehicle outdoor sales; however, he argued that those types of plans are only advisory in nature and not binding upon this Deputy Zoning Commissioner.

Mr. Smith, Mrs. Berger and Mrs. Campbell appeared and testified in opposition to the relief requested. The cumulative testimony of the Protestants was that they are vehemently opposed to a used motor vehicle outdoor sales operation being established on the subject property. They believe that such use is incompatible with surrounding uses and indicated that they would rather see the lot remain in its present condition than see a used car lot locate on the property. The Protestants also expressed concern over the grade of Liberty Road at this location in that the site is situated on a slope. The Protestants feel that the proposed use would create a potential traffic hazard because of the slope of Liberty Road.

In order to decide the issues in this case, it became necessary to examine the Woodlawn/Liberty Community Plan. A copy of said plan was provided to this Deputy Zoning Commissioner by the Office of Planning subsequent to the hearing. Page 68 of said plan specifically deals with commercial zones and provides a partial list of new uses that will not be permitted within the boundaries of this Plan. The uses listed include used car dealer, maintenance garages, and service stations, among others. Two of the uses requested by the Petitioners, pursuant to this special

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Date 3/16/92
By SSG

- 3 -

exception, i.e. a used motor vehicle outdoor sales area and a repair garage, are specifically prohibited by this Plan.

It is obvious that the Woodlawn/Liberty Community Plan contradicts the B.C.Z.R. This is especially true concerning the requested use of the property for a service garage.

The subject property is zoned B.R.-C.S.A. The C.S.A. overlay district is only one of four instances where an automotive service station is permitted as of right. However, the Woodlawn/Liberty Community Plan specifically prohibits this use. Obviously, the two cannot be read in conjunction with one another. Therefore, in the opinion of this Deputy Zoning Commissioner, the Woodlawn/Liberty Community Plan can only be considered advisory and is subservient to the B.C.Z.R. If the County Council had intended to give equal weight to this Plan, it would have changed the zoning classification of the properties within the Plan boundaries and made them consistent with said plan.

It then becomes necessary to determine whether the Petitioner has satisfied the requirements of the B.C.Z.R. which govern special exceptions.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.S.A. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

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Date 3/16/92
By SSG

- 4 -

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date 3/16/92
By SSG

- 5 -

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of February, 1992 that the Petition for Special Exception to establish a used motor vehicle outdoor sales area in combination with sales office and repair garage on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the restrictions listed below; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances from Section 238.2 of the B.C.Z.R. to permit a rear yard building setback of 7 feet in lieu of the required 30 feet and from Section 238.4 of the B.C.Z.R. to permit a vehicle display setback from the front building setback line of 24 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the restrictions listed below:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the

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Date 3/16/92
By SSG

- 6 -

Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this office for inclusion in the case file prior to the issuance of any permits.

3) The hours of operation of the repair garage shall be restricted to 8:00 AM to 5:00 PM Monday through Friday only. The Petitioner shall be permitted to repair only those vehicles that are stored on the property for sale. In addition, there shall be no body and fender work performed on the premises whatsoever.

4) The used motor vehicle outdoor sales business shall be permitted to operate seven days a week; however, the hours of operation shall be limited to 8:00 AM to 9:00 PM.

5) There shall be no storage of damaged or disabled vehicles on the property whatsoever. All vehicles stored on the property must be in operable condition. Petitioner shall not store any vehicles on the property which are older than seven (7) years.

6) Petitioner shall not display any flags, banners or streamers on any poles, light standards, buildings or other fixtures on the property.

7) Petitioner shall be limited to the display of thirty (30) automobiles only, and not the forty-five (45) requested in the Petition. The display of the permitted 30 automobiles shall be located within the vehicle display area shown on Petitioner's site plan. Petitioners shall submit a revised site plan incorporating the modified relief granted herein prior to the issuance of any permits.

8) All lighting on the premises shall be directed away from any adjoining residential properties so as to avoid any glare from spilling over onto adjacent properties.

9) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

10) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

11) Each restriction listed above is an integral part of the granting of this special exception and variance.

ORDER RECEIVED FOR FILING
Date 3/16/92
By SSG

- 7 -

They are to be read together as a whole and are not to be considered separately. In the event the Petitioner takes an appeal of any of these restrictions, it shall be deemed to be an appeal of this entire Order and this entire matter shall be heard on appeal de novo.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED BY MAIL FILING
Date 11/13/91
By [Signature]

- 8 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 6, 1992

E. Scott Moore, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
N/S Liberty Road, 166' E of Sedgemoor Road
(Lot 2 Subdivision of Sun-Mar Company Property)
2nd Election District - 2nd Councilmanic District
KMK Partnership - Petitioner
Case No. 92-220-XA

Dear Mr. Moore:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Kenneth M. Katz
3 Shawan Road, Cockeysville, Md. 21030

Mr. Larry Smith
4000 Essex Road, Baltimore, Md. 21207

Ms. Judith Berger
3801 Lochearn Drive, Baltimore, Md. 21207

Ms. Ella White Campbell
8544 Stevenswood Road, Baltimore, Md. 21207

People's Counsel: *[Signature]*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: November 25, 1991
Posted for: Special Exception and Variance
Petitioner: KMK Partnership (Liberty Motors)
Location of property: N/S Liberty Road, 166' E of Sedgemoor Road, Lot 2
Subdivision of Sun-Mar Company Property
Location of Sign: North side of Liberty Road in front of subject property
Remarks: [Signature]
Posted by: [Signature] Date of return: December 2, 1991
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: April 23, 1992
Posted for: Appeal
Petitioner: KMK Partnership
Location of property: N/S of Liberty Road, 166' E of Sedgemoor Road
Lot 2, Subdivision of Sun-Mar Company Property
Location of Sign: N/S of Liberty Road in front of subject property
Remarks: [Signature]
Posted by: [Signature] Date of return: April 24, 1992
Number of Signs: 1

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A used motor vehicle outdoor sales area in combination with sales office and repair garage in accordance with Section 236.4.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Kenneth M. Katz

3 Shawan Road, Cockeysville, 21218-1881

Address

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: [Signature] DATE: 11/13/91

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a FRONT YARD BUILDING setback of 7 feet in lieu of the required 30 feet; and from Section 238.4 to permit a 24 foot vehicle display setback from the front building setback line in lieu of the required 15 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Kenneth M. Katz

3 Shawan Road, Cockeysville, 21218-1881

Address

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: [Signature] DATE: 11/13/91

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1991.

OWINGS MILLS TIMES,

S. Zeke Olin
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 114, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-220-XA
N/S Liberty Road, 166' E of Sedgemoor Road
Lot 2, Subdivision of Sun-Mar Company Property
2nd Election District
2nd Councilmanic District
Petitioner: KMK Partnership (Liberty Motors)
Hearing Date: Tuesday, December 17, 1991 at 2:00 p.m.
Special Exception: for a used motor vehicle outdoor sales area in combination with sales office and repair garage. Variance to permit a front yard building setback of 7 feet in lieu of the required 30 feet; to permit a 24 foot vehicle display setback from the front building setback line in lieu of the required 15 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
OCT11/286 November 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1991.

THE JEFFERSONIAN,

S. Zeke Olin
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 114, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-220-XA
N/S Liberty Road, 166' E of Sedgemoor Road
Lot 2, Subdivision of Sun-Mar Company Property
2nd Election District
2nd Councilmanic District
Petitioner: KMK Partnership (Liberty Motors)
Hearing Date: Tuesday, December 17, 1991 at 2:00 p.m.
Special Exception: for a used motor vehicle outdoor sales area in combination with sales office and repair garage. Variance to permit a front yard building setback of 7 feet in lieu of the required 30 feet; to permit a 24 foot vehicle display setback from the front building setback line in lieu of the required 15 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
OCT11/286 November 28

8100 PROFESSIONAL PLACE
POST OFFICE BOX 1450
LANDOVER, MARYLAND 20785-0450

BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

November 7, 1991
J-90042
WG-40266

DESCRIPTION

LOT 2, SUBDIVISION OF SUN-MAR COMPANY PROPERTY
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Being all of Lot 2 as shown on a plat of subdivision entitled "Subdivision of Sun-Mar Company Property", recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. 34 at Folio 84, and being more particularly described as follows:

- Beginning for the same at an aluminum disc with a punch hole found on the northeasterly right-of-way line of Liberty Road, 80' wide as shown on State Roads Commission of Maryland Right-of-Way Plat No. 30599, at the common front corner of Lots 1 and 2 as shown on the aforesaid plat; and running thence with the divisional line between said lots
- North 25°56'35" East, 125.00 feet to an aluminum disc with a punch hole found; and
- South 63°48'20" East, 200.00 feet to an iron pipe found on the southeasterly line of said lots; thence continuing with the outline of said Lot 2;
- South 25°56'35" West, 125.00 feet to an aluminum disc with a punch hole found on the aforesaid right-of-way line; thence with said right-of-way line and with the outline of said Lot 2;
- North 63°48'20" West, 200.00 feet to the place of beginning, containing 25,000 sq. ft. or 0.5739 of an acre of land.




Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6100
Number

92-220-XA

DAW0470055MILHRP \$125.00
DA 00107514M03 10-92
Please Make Checks Payable To: Baltimore County



Baltimore County

Zoning Commissioner

County Office Building

112 West Chesapeake Avenue

Towson, Maryland 21204

receipt

92-2-20

12-17-91

Home

Date

Account: R 001-6150

Number

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111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

887-3353

NOVEMBER 20, 1991


NOTICE OF HEARING

COPY

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-220-1A
N/S Liberty Road, 166' E of Sedgemoor Road
Lot 82, Subdivision of Sun-Har Company Property
2nd Election District - 2nd Councilmanic
Petitioner(s): ENE Partnership (Liberty Motors)
HEARING: TUESDAY, DECEMBER 17, 1991 at 2:00 p.m.


Special Exception for a used motor vehicle outdoor sales area in combination with sales office and repair garage.
Variance to permit a rear yard building setback of 7 feet in lieu of the required 30 feet; to permit a 24 foot vehicle display setback from the front building setback line in lieu of the required 15 feet.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: ENE Partnership

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 12, 1991

Mr. Kenneth M. Katz
KKK Partnership
3 Shawan Road
Cockeysville, MD 21030

RE: Item No. 231, Case No. 92-220-XA
Petitioner: KKK Partnership
Petition for Variance

Dear Mr. Katz:


The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.


Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



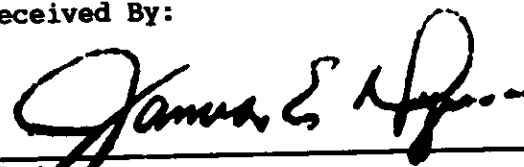
111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
13th day of November, 1991.



ARNOLD JABLON
DIRECTOR

Received By:


James E. Hagan,
Zoning Plans Advisory Committee

Petitioner: KKK Partnership, et al
Petitioner's Attorney:

2635-92
11/23/91
9

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

November 21, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #231, Zoning Advisory Committee Meeting of
November 26, 1991, N/S Liberty Road, 166' E of Sedemoor Road,
(Lot 2), Subdivision of Sun-Mar Company Property), D-2, Public
Water and Sewer


COMMENTS ARE AS FOLLOWS:

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

SSF:rmp
231ZNG/GWRMP

RECEIVED
NOV 22 1991
ZONING OFFICE

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KMK PARTNERSHIP

Location: LOT #2 SUBDIVISION OF SUN-MAR
COMPANY PROPERTY

Item No.: 231 Zoning Agenda: NOVEMBER 26, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: November 26, 1991

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
on November 23, 1991

The Planning Engineering Division has reviewed the proposed zoning change and has no comments for the proposed change. The proposed change is in compliance with the zoning ordinance.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

END

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and Development Management

FROM: A. J. Haley, Acting Director
Economic Development Commission

DATE: November 7, 1991

RE: Zoning Advisory Comments for Meeting of November 26, 1991

This office has no comment for items 216, 229, 230, 231, 232, or 234.

RECEIVED
NOV 21 1991
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: December 2, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: KMK Partnership, Item No. 231

In reference to the Petitioner's request, staff offers the following comments:

The Petitioner is requesting a special exception to allow a used motor vehicle outdoor sales area in combination with a sales office repair garage; a rear yard variance of 7 ft in lieu of 30 ft; and a 24 ft vehicle display setback from the front building setback in lieu of 15 ft.

In reference to the subject request, staff provides the following information:

*The petitioner's property lies within a historically critical planning area, as outlined by 1) 1979 Master Plan; 2) 1980 Liberty Action Plan; 3) 1989 Master Plan; 4) 1990 Liberty Road Action Plan Update; and 5) Woodlawn/Liberty Community Plan.

*This site is located within the boundaries of the Woodlawn/Liberty Community Plan. Action number 7 of the plan for commercial areas (p.44) states that an overlay district should be developed as outlined in Appendix B of the plan. The suggested overlay district in the appendix that used car dealership should not be allowed within the boundaries of the Woodlawn/Liberty Community Plan (p.68).

*The Woodlawn/Liberty Community Plan is the product of a two year undertaking in which staff worked along with the community to produce a plan. The Plan has received Planning Board approval, and the County Council held a public hearing regarding the Plan on November 26, 1991 with final action anticipated to be taken on December 16, 1991.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL:rdn
ITEM231/TXTROZ

92-220-XA Dec. 17

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: December 12, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration and Development Management

FROM: Rahae J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 26, 1991

This office has no comments for item numbers 216, 229, 230, 231 and 234.

Rahae J. Famili
Traffic Engineer II

RJF/lvd

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
May 11, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-220-XA KMK PARTNERSHIP
N/S of Liberty Road, 166' E of Sedgemoor Road (Lot 2, Subdivision of Sun-Mar Company Property)
2nd Election District;
2nd Councilmanic District

SE-outdoor used car sales area/
sales office/garage
VAR-setbacks

2/6/92 - D.Z.C.'s Order GRANTING
petition with restrictions.

ASSIGNED FOR: TUESDAY, SEPTEMBER 1, 1992 AT 10:00 A.M.

cc: George W. Murphy, President
Liberty Road Comm. Council Appellant
Mr. Kenneth M. Katz, General Partner
KMK Partnership
Mr. George E. Gavrelis
Mr. Larry J. Smith
Ms. Judith Berger
Lochearn Impr. Assoc.
Ms. Ella White Campbell
Liberty Road Comm. Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration
Public Services

LindaLee M. Kuszmaul
Legal Secretary

Entered appearance 8/28/91
Counsel for KMK Partnership:
David M. Meadows, Esquire

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

April 9, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
N/S of Liberty Road, 166' E of Sedgemoor Road
(Lot 2, Subdivision of Sun-Mar Company Property)
2nd Election District, 2nd Councilmanic District
KMK Partnership - Petitioner
Case No. 92-220-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 6, 1992 by George W. Murphy, Protester. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

cc: Kenneth M. Katz - 3 Shawan Road, Cockeysville, MD 21030
George E. Gavrelis - Deft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Maryland 21204
Larry J. Smith - 4000 Essex Road, Baltimore, MD 21207
Judith Berger - Lochearn Improvement Association
3801 Lochearn Drive, Baltimore, MD 21207
Ella White Campbell - Liberty Road Community Council, Inc.
8544 Stevenswood Road, Baltimore, MD 21207
People's Counsel, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Special Exception and Zoning Variance
N/S of Liberty Road, 166' E of Sedgemoor Road
(Lot 2, Subdivision of Sun-Mar Company Property)
2nd Election District - 2nd Councilmanic District
KMK PARTNERSHIP - Petitioner
Case No. 92-220-XA

Petition(s) for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s) & Protestant(s) Sign-In Sheets

Unmarked Exhibit: Plan to accompany Special Exception

Petitioner's Exhibits: 1. Photographs of Site
2. Landscape Plan

Deputy Zoning Commissioner's Order dated February 6, 1992 (Granted with Restrictions)

Notice of Appeal received March 6, 1992 from George W. Murphy, President of Liberty Road Community Council - Protestant

cc: Kenneth M. Katz - 3 Shawan Road, Cockeysville, MD 21030

George E. Gavrelis - Deft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, MD 21204

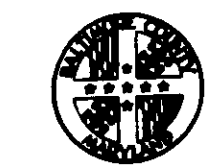
Larry J. Smith - 4000 Essex Road, Baltimore, MD 21207

Judith Berger - Lochearn Improvement Association
3801 Lochearn Drive, Baltimore, MD 21207

Ella White Campbell - Liberty Road Community Council, Inc.
8544 Stevenswood Road, Baltimore, MD 21207

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 11, 1992

Mr. George W. Murphy
Liberty Road Community Council
6806 Windsor Mill Road
Baltimore, MD 21207

RE: Case No. 92-220-XA
KMK Partnership

Dear Mr. Murphy:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: David M. Meadows, Esquire
Kenneth M. Katz
George E. Gavrelis
Larry J. Smith
Judith Berger
Ella White Campbell
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Admin.

5/11/92 - Following parties notified of hearing set for September 1, 1992 at 10:00 a.m.:

George W. Murphy, President
Liberty Road Comm. Council
Mr. Kenneth M. Katz
Mr. George E. Gavrelis
Mr. Larry J. Smith
Ms. Judith Berger
Lochearn Impr. Assoc.
Ms. Ella White Campbell
Liberty Road Comm. Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

Copy to
D. Meadows
9/2/92

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
N/S of Liberty Rd., 166' E of Sedgemoor Rd. (Lot 2, Subdivision of Sun-Mar Company Property)
2nd Election District
2nd Councilmanic District
KMK PARTNERSHIP, Petitioner

NOTICE OF APPEARANCE

Please enter the appearance of Moore, Carney, Ryan and Lattanzi and David M. Meadows on behalf of KMK Partnership.

David M. Meadows
Moore, Carney, Ryan and Lattanzi
4111 East Joppa Road - Suite 201
Baltimore, Maryland 21236
(410) 529-4600

Attorney for Petitioner, KMK Partnership

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of August, 1992, a copy of the foregoing Notice of Appearance was mailed first-class, postage-prepaid to Phyllis Cole Friedman, Esquire, People's Counsel for Baltimore County, Peter Max Zimmerman, Deputy People's Counsel, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204; George W. Murphy, President, Liberty Road

Community Council, 6806 Windsor Mill Road, Baltimore, Maryland 21207, Protestant/Appellant; Larry J. Smith, 4000 Essex Road, Baltimore, Maryland 21207; Judith Berger, 3801 Lochern Drive, Baltimore, Maryland 21207; and to Ella White Campbell, 8544 Stevenswood Road, Baltimore, Maryland 21207, Protestants.

David M. Meadows

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
N/S of Liberty Rd., 166' E of Sedgemoor Rd. (Lot 2, Subdivision of Sun-Mar Company Property), 2nd Election Dist. 2nd Councilmanic District
KMK PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 1st day of May, 1992, a copy of the foregoing Entry of Appearance was mailed to E. Scott Moore, Esquire, 4111 E. Joppa Rd., Baltimore, MD 21236, Attorney for Petitioner; and George W. Murphy, President, Liberty Road Community Council, 6806 Windsor Mill Rd., Baltimore, MD 21207, Protestant/Appellant; Larry J. Smith, 4000 Essex Rd., Baltimore, MD 21207; Judith Berger, 3801 Lochern Dr., Baltimore, MD 21207; and Ella White Campbell, 8544 Stevenswood Rd., Baltimore, MD 21207, Protestants.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
92 AUG 28 AM 10:31
MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146
E. SCOTT MOORE
ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. HARCLOCK
RONALD A. DECKER
DAVID M. MEADOWS
ROBERT J. RYAN
OF COUNSEL

August 27, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Zoning Variance
KMK Partnership, Petitioner
Zoning Case No. 92-220-XA

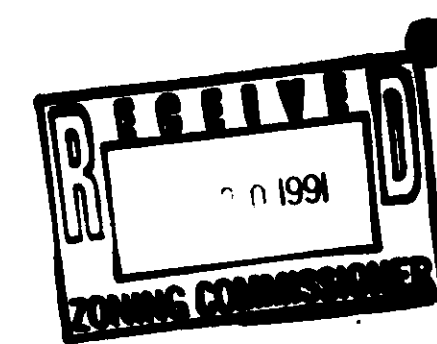
Dear Clerk:

Enclosed please find a Notice of Appearance to be filed in the above captioned case.

Sincerely,

David M. Meadows

DMM:je
Enclosure
cc: KMK Partnership



LIBERTY ROAD COMMUNITY COUNCIL, INC.

P.O. BOX 31555
BALTIMORE, MD 21207
655-0853

December 16, 1991

The Honorable Timothy Petrocco
Baltimore County Deputy Zoning Commissioner
Court House, Room 113
400 Washington Avenue
Towson, MD 21204

Dear Deputy Zoning Commissioner Petrocco:

The Liberty Road Community Council, Inc. appeals to you to deny a special exception to construct a used motor vehicle sales, repair, and storage facility (Issue 92-220-XA, Item #231-Sun-Mar Company Lot #2) at 6922 Liberty Road. The granting of this special exception would be detrimental to the general welfare of the locality involved. The community would suffer a negative impact in that it would interfere with adequate light since a number of apartments are near the proposed facility. The banners and glaring lights and traffic would destroy the quality of life for residents.

Another germane reason for denying the Special Exception is that the Liberty Action Plan and the Woodlawn Community Plan have been passed by County Council, and both plans create a zoning overlay district and urge the reduction of used car lots and other like facilities in the area. The intent of both plans is to eliminate blight and improve the quality of life for residents in the area. All of the surrounding community associations have indicated their opposition to the granting of this special exception for the aforementioned reasons.

We do not feel that the granting of this special exception would be consistent with the spirit and intent of Zoning Regulations.

Sincerely,

Ella White Campbell
Ella White Campbell
President

RECEIVED
DEC 18 1991
ZONING OFFICE

WOODLAWN COMMUNITY ASSOCIATION
(Woodmoor Area)
P.O. Box 31612
Baltimore, Maryland 21207

December 11, 1991

Mr. Lawrence E. Schmidt
Zoning Commissioner
Second Floor, Court House
Towson, Maryland 21204

Dear Commissioner Schmidt:

We the residents of the Woodlawn Community, Woodmoor Area, are hereby submitting our protest vote against Case Nr 92-220XA, Liberty Motors.

Any type of variance which would give a special exception regarding the property at N/S Liberty Road, 166 E. of Sedgemoor Road and allow for a USED MOTOR VEHICLE sales area in combination with a sales office and repair garage is considered to be detrimental to the community appearance.

This location is and has always been a community of residents who take pride in the community. It is felt that another business, especially one of this nature, would attract a more criminal element to this mainly residential area, along with lessening its surrounding value.

Thanking you in advance for your consideration I remain

Sincerely,

D'Armond Burnett
D'Armond Burnett
President

cc: MINTZ

RECEIVED
DEC 12 1991
ZONING OFFICE

March 6, 1992

Board of Appeals
Towson, Md. 21204

Dear Board members,

Enclosed please find a check for fees and charges due for an appeal filed regarding Case No. 92-220-XA. The Liberty Road Community Council Inc. files along with area residents Mrs.

Judith Berger (3801 Lochearn Drive, Baltimore, Md. 21207),

Mrs. Joan Parker (6100 Robin Hill Road, Baltimore, Md. 21207).

We are appealing the decision of Deputy Zoning Commissioner

Timothy M. Kotroco rendered on Feb. 6, 1992.

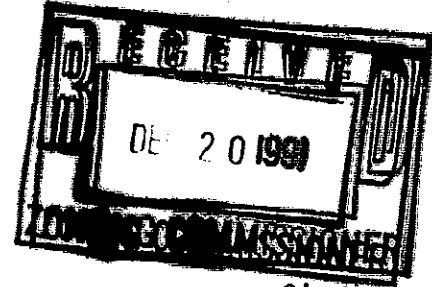
Thank you,

George W. Murphy
George W. Murphy, Pres.
Liberty Road Community
Council
6806 WINDSOR MILL RD
WOODLAWN, MD 21207

PAID
3-6-92
ZONING OFFICE

298-1282
887-1366

Judith Berger
3801 Lochearn Drive
Baltimore, Maryland 21207



This property is contiguous to the area designated as a part of the Woodlawn-Liberty Community Conservation District. Baltimore County has expended tax funds to beautify the 6900 block of Liberty Road, a part of the Liberty Road Revitalization Area.

The negative impact on the community, then as now, is enhanced by the addition of the Resource Conservation overlay. The proximity of homes and apartments, where the windows would face a used car lot with all the concomitant lights and banners, etc., would destroy the quality of life for those of us, so affected.

As a nearby resident, a professional person, someone who has been trying to maintain a 'good' place to live, under constant assault from the zoning process, I submit that this request to develop this property in this manner be denied and an uplifting use such as a restaurant, office building, more apartments, or retail stores be substituted as more appropriate.

Thank you very much,
Sincerely, *J*

Sincerely,
Judith Berger
Judith Berger (Mrs. Martin)
Vice President Lochearn Impr. Assn.
Vice President Liberty Road Comm. Council.

RECEIVED
DEC 13 1991
ZONING OFFICE

WOODLAWN COMMUNITY ASSOCIATION
(Woodmoor Area)
P.O. Box 31612
Baltimore, Maryland 21207

P E T I T I O N

TO: THE ZONING COMMISSIONER, TOWSON, MARYLAND

We the undersigned residents of Woodmoor area, Baltimore County submit this petition against appeal case #92-220 XA, Submitted by KMK Partnership. This is in regard to the building of an outdoor used car sales area/sales office and garage.

	NAME	ADDRESS	ZIP CODE
1.	O'Annals Burnett	7007 Paris Rd	21207
2.	Anna L. Burnett	7007 Paris Rd	21207
3.	Adams E. Burnson	7018 Paris Rd	21207
4.	Joyce A. Finell	7004 Paris Rd	21207
5.	Worthy M. Gorden	7005 Paris Rd	21207
6.	Zenobia Smith	7010 Paris Rd	21207
7.	Forrest A. Smith	7010 Paris Rd	21207
8.	Theresa Davis	7006 Paris Rd	21207
9.	Robert L. Davis	7006 Paris Rd	21207
10.	Harvey Lynn	7004 Paris Rd	21287
11.	Greg Gendron	" " "	"
12.			
13.			
14.			
15.			

Lawrence E. Schmitd
Zoning Commissioner
400 Washington Avenue
Room 113
Towson Md., 21204

Dear Mr. Schmidt

I am writing you concerning zoning issue number 92-20-XA, item number 231. The issue concerns Sun-Mar company property and the petitioner is KMK Properties. The petitioner wants a special zoning exception for used car repairs and an outdoor sales office. The location of the site is 6922 Liberty Road.

Very truly yours,
[Signature]

as its Association's president and

I speak for the Locheater community as its Association's president and in that capacity I ask that you consider not granting this special exception. The Liberty Road corridor has more than its share of car garages, repair facilities etc. in this area. Adding one more of these can only add to the problem of keeping the area from becoming a blight and an eyesore to the surrounding communities.

only add to the problem. The County Council will be asking the eyesores to the surrounding communities. The County Council is currently served on a committee chaired by Mr. Irv McDaniel of the Planning and Zoning office. This committee drafted the Liberty/Woodlawn Community Action Plan that is presently being reviewed for final acceptance and approval by the County Council. These are the people who issue the members of that committee overwhelmingly opposed to a person was the over-abundance of car repairs and car wash facilities on the Liberty Road corridor and the negative image they cast on the surrounding communities. Please consider these concerns when you make your recommendation.

Thank You
Willie L. Dash
Willie L. Dash
President
Lochearn Improvement
Association

cc: Congressman Kweisi Mfume
Councilman Mel Mintz

RECEIVED
DEC 16 1991
ZONING OFFICE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Kenneth M Kutz
George E. GAYZLIK

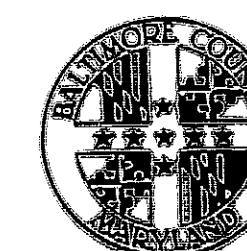
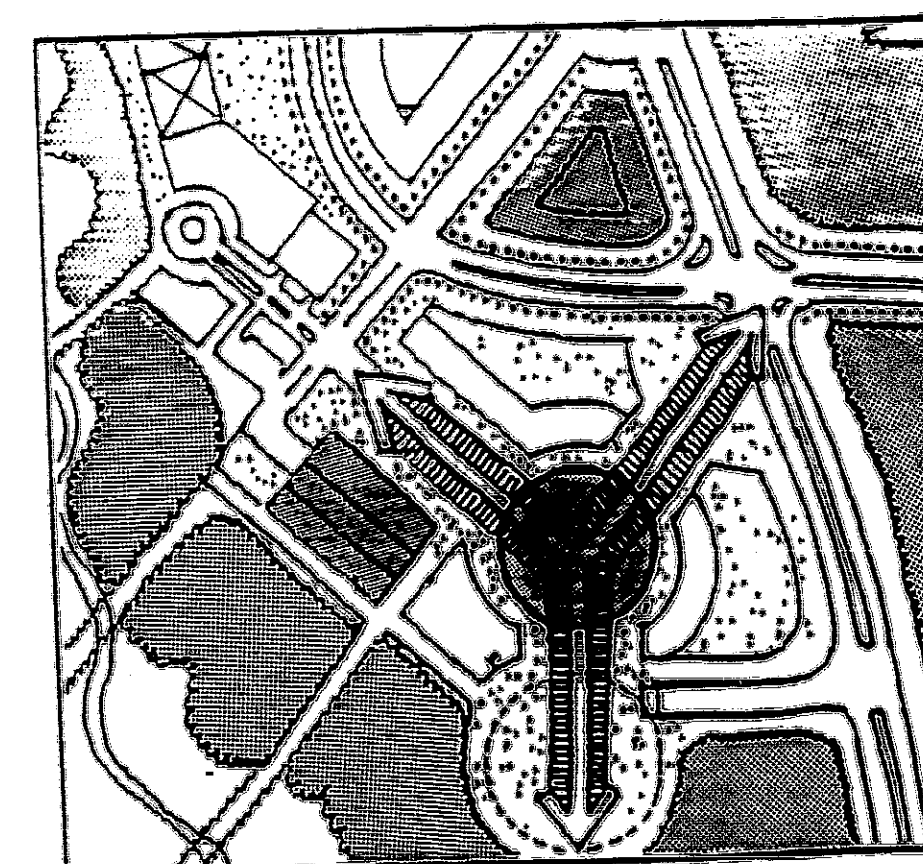
ADDRESS
1225 Garrison Forest Rd 21117
DMW 200 E. Penn Ave. 21201

PROTESTANT(S) SIGN-IN SHEET

NAME
Larry J. Smith
JUDITH BERGER
Ellen White Campbell

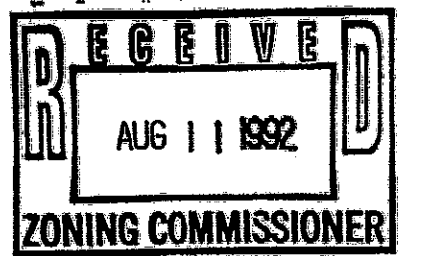
ADDRESS
4000 Essex Rd. 21207
3801 LECHEARN DRIVE 21207
8344 STEVENSON RD. 21207

OFFICE POLICIES



Baltimore County
Office of Planning and Zoning
May 1991

WOODLAWN COMMUNITY ASSOCIATION
(Woodmoor Area)
P.O. Box 31612
Baltimore, Maryland 21207



Mr. Tim Kotroco
Zoning Commissioner
Baltimore County Courthouse
Second Floor
Towson, Maryland 21204


Dear Mr. Kotroco:

I am submitting the enclosed petitions signed by residents of the Woodmoor area that oppose variance #92-220 XA, item 231 Liberty Motors, which would allow the establishment of a used car lot and garage.

We believe it is in direct conflict with our efforts to improve that corner of the Liberty Road Corridor which includes improvement of the Woodmoor Shopping Center and surrounding business areas. We also believe it would adversely affect the appearance of the area and bring additional unwanted traffic into the area. The heavily trafficked area which ultimately makes it more undesirable and also adversely affects property values in that area. These factors are detrimental to an area that we are desperately trying to improve.

We solicit your consideration of this matter.

Sincerely,


D. Armond Burnett
President

Enclosure

cc: Melvin G. Mintz
Councilman, 2nd District

Rec'd. 5/12/92
L.K.-C.S.A.

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: KMK PARTNERSHIP

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]